

THE
LIFE
OF
WILLIAM LORD RUSSELL;

WITH SOME ACCOUNT OF
THE TIMES IN WHICH HE LIVED.

By LORD JOHN RUSSELL.

THIRD EDITION.

IN TWO VOLUMES.

VOL. II.

LONDON:
PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN,
PATERNOSTER-ROW;
AND JAMES RIDGWAY, PICCADILLY.
1820.

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manner of his life. It is written from Stratton in Hampshire, a place which Russell had inherited from his father, and the country residence of Lord Russell from the time of his marriage.

WILLIAM LORD RUSSELL.

"To see any body preparing and taking their way to see what I hope to do a thousand times more than they, makes me not endure to suffer their going, without saying something to my best life, though it is not so much as when we shall meet to allow myself so much pleasure."

CHAPTER XIV.

LETTER OF LADY RUSSELL. — PROJECTS OF THE COURT. — TRIAL OF COLLEDGE. — INDICTMENT AGAINST SHAFTESBURY THROWN OUT BY THE GRAND JURY. — QUO WARRANTO. — SYSTEM OF ARBITRARY GOVERNMENT. — ELECTION OF SHERIFFS. — WILD SCHEMES OF LORD SHAFTESBURY. — INFORMATION OF KEELING. — LORD RUSSELL SENT TO THE TOWER. — DEATH OF LORD ESSEX.

WHEN the tumult of public affairs was over, and the members of the Whig party, dispersed in every quarter, followed their several occupations and amusements, Lord Russell retired to the tranquillity of his own house, where he confined himself to the society of his family and his relations. * The following letter will show, better than any description I could give, the

* See Mr. Spencer's evidence on Lord Russell's trial.

manner of his life. It is written from Stratton, in Hampshire, a seat which Lady Russell had inherited from her father, and the country residence of Lord Russell from the time of his marriage.

“ September 30, 1681.

“ To see any body preparing and taking their way to see what I long to do a thousand times more than they, makes me not endure to suffer their going, without saying something to my best life, though it is a kind of anticipating my joy when we shall meet, to allow myself so much before the time. But I confess I feel a great deal, that, though I left London with great reluctance, (as 'tis easy to persuade men a woman does,) yet that I am likely to leave Stratton with greater. They will tell you how well I got hither; and how well I found our dear treasure here. Your boy will please you; you will, I think, find him improved, though I tell you so before-hand; they fancy he wanted you; for, as soon as I alighted, he followed, calling Papa: but I suppose 'tis the word he has most command of, so was not disoblged by the little fellow. The girls were in remembrance of the happy 29th September*, and we drank your health, after a red-deer pye, and at night the girls and I supt

* Lord Russell's birth-day.

on a sackposset; nay, master would have his soon, and for haste burnt his fingers in the posset; but he does but rub his hands for it..... I do propose going to my neighbour Worsley's to-day. Would fain be telling my heart more things, — any thing to be in a kind of talk with him; but I believe Spencer stays for my dispatch. He was willing to go early; but this was to be the delight of the morning, and the support of the day. 'Tis written in bed, thy pillow at my back, where thy dear head shall lie, I hope, to-morrow night, and many more I trust in His mercy, notwithstanding all our enemies, or ill-wishers. Love, and be willing to be loved by, “ R. RUSSELL.”

Though the Whig party seem to have sunk quietly into retirement after their defeat, the King could, by no means, rest satisfied with the victory he had obtained over his parliament, and the general tranquillity which ensued. He was determined to execute vengeance on his opponents, and establish arbitrary power upon a system of terror. For this purpose he did not scruple to employ those witnesses whose perjuries in the trials for the Popish plot he had been the foremost to expose. The first person selected for punishment was Stephen Colledge. This man was a carpenter, who, by his noisy zeal, and the notice he had received from the

Duke of Monmouth, and other men of rank, had acquired the name of the Protestant joiner. Turberville, Dugdale, Haynes, and Smith swore against him many treasonable discourses, and some strange stories of his having silk armour, and pocket pistols, at Oxford. The grand jury, however refused to believe the witnesses, and threw out the bill. But the court was not to be foiled in this manner: they removed the trial to Oxford, where a jury, as partial on the other side, was procured. Colledge had, besides, many hardships to undergo. His papers were taken from him on his way to trial, and the court adjourned on purpose to examine them. So that, whilst the crown lawyers had the advantage of knowing the points he meant to have argued, this poor mechanic was unable to plead the informality of the indictment, or to use other legal arguments he intended to have urged. A copy of the pannel, which had been usually given to prisoners, was denied him, and his own witnesses were not allowed to be examined upon oath. Notwithstanding these disadvantages, he brought forward such evidence as materially injured the credit of the witnesses against him. Excepting Sir W. Jennings, and Mr. Masters, he showed that every one of them had owned himself forced to change sides, to avoid starving, or had been guilty of attempting to suborn

others. One of them, Smith, had said, that if the Parliament refused to give the King money, and continued to press the Bill of Exclusion, that was a sufficient ground for swearing there was a plot to seize the King. As for Sir W. Jennings and Mr. Masters, they only swore that Colledge had justified, in conversation, the parliament of 1640; and that, in a quarrel at Oxford, where he had got a bloody nose, he had said, "I have shed the first blood in the cause, but it will not be the last." Colledge explained this, as well as his having a sword and pistols in his possession, by saying that he expected the Papists would attempt a massacre. He begged the jury to consider that he could not seize the King alone, and that no conspiracy had been proved. Jeffries, in speaking for the crown, impudently argued, that they must not discredit Dugdale (though, in one point, he had been clearly convicted of falsehood), as that would be throwing a slur on the evidence for the Popish plot. The Chief-justice, North, in summing up, said, he would not notice the evidence that had been produced to discredit the witnesses, as that was a point for the jury to decide: yet he afterwards commented on such parts as he thought unfavourable to the prisoner. Colledge was found guilty, and executed a fortnight afterwards. But the King, to display

the royal attribute of mercy, gave permission that his quarters should be buried; a favour which he slighted, saying, with philosophical indifference, he cared not whether he was eaten up by flies or worms.

Having shed the blood of Colledge, the Court next attempted the life of Lord Shaftesbury. He was imprisoned in July, and indicted in November. A plan of association, found in his room, but without any signature, was brought forth to supply the want of evidence. The proceedings in this case are a melancholy instance of the effects of party rancour. The witnesses whom the Court produced to prove high-treason against a man who had been High Chancellor of England, were, with one exception, the perjured wretches who, under the name of Irish witnesses, had become infamously notorious, and, on the trial of Colledge, had lost their small remaining* credit. The only other witness was one Booth, a man who had ruined himself by a profligate course of life, and who, on this occasion, was proved to have perjured himself. On

* Two of these, of the name of Macnamara, though prepared to be witnesses against Colledge, were not produced on that trial, as the crown lawyers found by the inspection of his papers, that he was able to destroy their testimony. Shaftesbury had listened to them with too much readiness. Ferguson says that they were set to ensnare him.

the other hand, the grand jury consisted entirely of Lord Shaftesbury's friends. They made a return of *ignoramus* upon the bill, and hence the term *Ignoramus Jury* became a bye-word against the Whigs.

The Court was convinced, by the result of this enquiry, that the strength of the opposition in the city would be a troublesome obstacle to the execution of their designs. At this point, therefore they determined to make the first attack on the liberties of England. Saunders, a learned but profligate lawyer, proposed to seize the charter of London by a process of *quo warranto*. The decision, in this case, rests with the judges, whose appointment was during the pleasure of the Crown. Saunders himself was made chief-justice, for the purpose, and Dolben gave place to Withers. It was thought that the charter of the metropolis, once in the hands of the Crown, other cities and towns might easily be induced to make a surrender of theirs, which were only to be returned to them with the condition that the King should appoint the mayor, and officers of corporations. Thus a parliament might be produced entirely subservient to the Crown? and the sanction of parliament, for an independent revenue, once obtained, it would have been easy to lay aside the use of parliaments altogether. In the meantime a new alli-

ance had been concluded with France, which relieved the King from any immediate necessity for money.

At this period, indeed, Charles and Lewis seem to have come to a more perfect understanding than they had ever done before. We have frequently seen, in the course of this work, that Charles applied to Lewis for money, in order that "he might not receive the law from his subjects," or "any longer depend on the caprice of the House of Commons." But these supplies were not always so abundant as he could wish, and as he often found it necessary to assemble Parliament, he made a skilful use of their violence against France, to frighten Lewis into larger and more certain pensions. Lewis, on the other hand, was more sparing than we should have expected in his subsidies: he seems to have been afraid of trusting Charles with unlimited authority in his dominions, lest he should prove ungrateful, and the encouragement given by France to the Opposition in Parliament, shows his policy to have been to keep the King always weak, and dependent on himself. But at this time he appears to have been disposed to make Charles independent of his people. In February 1681, Barillon wrote to his master, "There remains only one difficulty, which is that of putting off for ever the sittings of Parlia-

ment. I know very well it is a security your Majesty has reason to demand, but you promised me in 1679 to consent that the Parliament should assemble, when the King of England should think it necessary for his own interests, provided the subsidies should then cease." Charles was now fully able to take advantage of this favourable disposition. On the 24th of March 1681, he agreed to make a private convention with France.* Mr. Hume found the substance of this convention, with the date of the 1st of April, in the depôt at Versailles.† The terms are, that Charles should disengage himself from the Spanish alliance; that he should prevent parliaments from counteracting his engagement; and that he should receive two millions of livres for one year, and 500,000 crowns for two more years. Barillon wished very much that this convention should be signed by the two princes, but they would only consent to make it a verbal agreement. The reason for his urging it, and for the refusal of Charles, is thus given by Barillon. "It also appears to me, that this prince would not dare to make a treaty public, in which he has engaged himself not to assemble Parliament; it would be very dangerous to his person, and entirely contrary to the laws of

* Dal. App. 301.

† Hume, vol. viii. p. 207.

England.” Let us consider for a moment the value of these words. Ten years before, we found Charles entering into secret engagements, contrary to his oath, and subversive of all his duties to his subjects. We find him now, after various changes of fortune, beginning, as it were, a fresh career of imposture, degradation, and treachery, in order to destroy the constitution over which he had been called to preside, and to extinguish the laws which he was bound to administer.

Some of the chief obstacles to this plan, after the Whig leaders, might be expected to come from the Dissenters. In the language of a pamphlet of the day, “the strength of the Dissenters is the weakness of the Crown.” In order to diminish this strength, the Act of the 35th of Elizabeth was put strictly in force. Dissenting ministers were prosecuted in all parts of the country, and obliged to pay heavy fines for the discharge of their duty. The jails were filled with those who were unable to pay these fines, and it is said, that in Uxbridge alone, two hundred warrants for distress were issued.*

At the same time the Whig newspapers, which were very active in bringing to light acts of oppression and injustice, were suppressed, and

* Oldmixon.

the writers of them imprisoned. Great pains were taken, on the other hand, to direct the public mind into the road of abject servility. Roger L'Estrange set up a paper, called the *Observator*, which served as a vehicle for the most outrageous libels on the principles and persons of the Opposition. Amongst other passages of a similar kind, he said that a citizen's skull was but a thing to try the temper of a soldier's sword upon.

Every exertion was made to procure from the country addresses abhorring the association found amongst Lord Shaftesbury's papers, and stigmatising the *ignoramus* juries. Those who promoted these addresses, which were obtained from the indifference rather than the zeal of the people, were the adherents of the Court, and the members of the church. The universities also were unanimous in giving their sanction to doctrines calculated to obtain the favour of royalty, and rivet the chains of the multitude. The Vice-Chancellor of Cambridge, in addressing the King, told him that he reigned "by a fundamental hereditary right of succession, which no religion, no law, no fault, can alter or diminish." The celebrated decree of the University of Oxford, condemning resistance, and inculcating passive obedience, was not passed till some time afterwards. But these declara-

tions were moderate, when compared with the doctrines inculcated in the sermons of various divines. Dr. Spratt, in a sermon before the Artillery Company, endeavoured to prove, from texts of Scripture, that the use of arms is lawful in a private, and much more in a public quarrel, but contrary to the Gospel, if not sanctioned by a legal authority. The intention of this harangue seems to have been to encourage the soldiery in abetting the King's arbitrary government. Dr. Hickes, an equally zealous and more conscientious friend of royal power, asserted in his sermons, that the professors of Christianity ought to die, rather than resist by force, not only the King, but all that are put in authority under him. It was to confute the last-mentioned author, that Mr. Samuel Johnson, chaplain to Lord Russell, wrote a book called the Life of Julian the Apostate, defending resistance in extreme cases. *

It is not to the credit either of the piety or the wisdom of this age, that political questions were treated by divines, and decided by reference to Scripture. Our Saviour, whilst he lost no opportunity of recommending charity and benevolence, expressly declined any interference with the political duties of his disciples. And

* See Appendix.

those who have been ordained of his church, when they enter into the violence of party disputes, too often betray at once their want of experience as statesmen, and of charity as Christians. That which has been called the high church party in England, has made itself unfortunately remarkable for a bitter hatred of liberty and toleration. It was, no doubt, from observing this disposition, that Lord Russell was inclined to favour the Dissenters. He wished the Church to open its doors, that Protestants might not have enemies amongst themselves. His sentiments, I hope, were not less Christian than those of the high dignitaries, who promoted intolerance in the Church, and tyranny in the State.

The trial of Argyle, which took place in Scotland at the end of the year 1681, would have been a disgrace even to the most arbitrary government in Europe. He had rendered himself obnoxious to the Duke, by moving, that in an act which confirmed all former acts, the words "and all acts against popery," should be inserted. It was a year after this that James desired him to take the test for privy councillors, an oath ambiguous in its terms, and which James himself had said, no honest man could take. The Earl wished to decline and disqualify him-

self, but by advice of the Bishop of Edinburgh, the Duke's friend, he subjoined an explanation, saying that he took it "in so far as it was consistent with itself and the Protestant religion."

And that he did not mean to bind himself from endeavouring, in a lawful way, any alteration he might think to the advantage of church and state, not repugnant to the Protestant religion, and to his loyalty. The Earl of Queensbury had before said, on taking the oath, that he did not think himself obliged to oppose alterations in church or state, in case it should please His Majesty to make any. Argyle's explanation raised no debate at the time; and the duke desired him, with a smile, to sit down by him. But the next day he was desired to give in his explanation in writing, and to sign it; and within a few days he was found guilty of treason upon no other evidence. To make the injustice complete, Lord Queensbury officiated as Lord-Justice General. The Earl, happily for himself, made his escape from the castle of Edinburgh. The royal brothers then protested no harm was meant to his person, which did not, however, prevent sentence being past, that he should be put to death when apprehended: that his name, memory, and honours should be extinct: that his posterity should be incapable of honour,

place, or office ; and that his estates, goods, and chattels, should be forfeited.*

Such was the manner in which the Court treated their opponents in a country where the violence of their supporters enabled them to commit any kind of offence against justice. In England, the vengeance of the Court against the Whig leaders was still retarded by the influence which they maintained in the city. It was found that the proceedings in the case of quo warranto being embarrassed by legal forms, would occasion considerable delay. A shorter way to the same object was perceived by electing sheriffs against the will of the citizens.

It had been an ancient custom for the Lord Mayor to name one of the sheriffs for the ensuing year, by drinking to him, and this nomi-

* It is curious to remark the reasons which are given in the Life of James, supported in this instance by reference to their letters, for the conduct of the King and the Duke in this affair. The Duke refuses the intercession of the Duke of Lauderdale, because " he would not be diverted, to make friends to himself, from pursuing the King's interest, wherever he thought it concerned." The King, on the other hand, " thought fit to issue out a proclamation for apprehending my Lord Argyle, that if it missed his person, it might convince the world, at least, he was satisfied with the Duke's management, and silence, thereby, the discourses industriously spread abroad, as if he had been prosecuted more out of a pique by the Duke, than by reason of any guilt to the King." What an affecting picture of brotherly love !

nation was generally confirmed by the livery. But the letter of the charter, and various precedents, demonstrate, beyond all doubt, that the right of election resided in the citizens at large, and that the choice allowed to the Lord Mayor was only a matter of courtesy between the city and its chief magistrate. The Court, however, made use of this custom as an engine to impose, not only one, but both sheriffs of their own party. Sir John Moore, the Lord Mayor, a very weak man, was prevailed upon to drink to Mr. Dudley North, a Turkey merchant. The Whigs having pitched upon Mr. Papillion and Mr. Dubois for sheriffs, assembled in great numbers on the day of election, and were clamorous for a poll. The Lord Mayor, insisting on his right to choose one of the sheriffs, by drinking to him, would not proceed to an election, but adjourned the court. And here the sheriffs of the year, Mr. Shute and Mr. Pilkington, were guilty of a great irregularity. For they still held on the court, and began a poll. Upon which some confusion ensued, and the next day the Lord Mayor complained of the sheriffs for a riot, and they were committed to the Tower.

After another irregular poll, the election of the sheriffs at last took place, on the 15th of July, when the Lord Mayor insisted that North was already chosen, and would only poll for

three, Papillion, Dubois, and Box, the court candidate. The sheriffs, on the other hand, opened the poll for all four. At the close of the poll the sheriffs came forward and declared the numbers to stand thus:—

Papillion	-	-	-	2482
Dubois	-	-	-	2481
Box	-	-	-	173
North	-	-	-	107
And against confirmation				2414

The Lord Mayor, on the other hand, declared that Papillion and Dubois had but 60, and Box 1244. The Lord Mayor declared Box to be the other sheriff, and the sheriffs declared Papillion and Dubois. Box having fined off, another election took place on the 19th of September, when a Mr. Rich being put up, there was such a noise of No Rich, that nothing could be heard. Upon which the sheriffs granted a poll, and the majority again appeared for Papillion and Dubois. But the Lord Mayor, whilst the poll was adjourned, came forward and declared Mr. Rich duly elected. On the 29th of September, Mr. North and Mr. Rich, the one chosen by an unlawful mode, and the other by open violence were sworn, and took possession of their offices.

The Court soon had an opportunity of making use of their new power. The Duke of York was, about this time, recalled from Scotland, chiefly

for the purpose of making an arrangement of his revenue, by which the Duchess of Portsmouth was to receive 5000*l.* a year out of the post-office. "All this while," says James, in his memoirs, speaking of himself, "the Duke knew very well his revenue was so settled, that nothing but an act of parliament could alienate any part of it; which he took care not to mention to any living soul, lest that might have made the King lay the thoughts of it aside, or made her solicit for a Parliament, which would have given that project a mischievous turn, and done him hurt instead of good." Soon after his return, Pilkington, formerly sheriff, being accused of saying, on a report that the Duke intended to leave Scotland, "He has already burned the city; he is now coming to cut all our throats," was convicted and sentenced to pay 100,000*l.* damages.* A fine, extending to the ruin of the criminal, and directly contrary to the spirit of our laws. Sir Patience Ward, formerly mayor, having given evidence that he did not hear the words spoken by Pilkington, was condemned to the pillory for perjury.

The election of the sheriffs seemed to complete the victory of the throne over the people.

* In the Life of James, this trial is placed in May, 1683, instead of which, it ought to be Nov. 24, 1682.

N. Luttrell's Diary.

It was evident, from the past conduct of the Court, that they would now select whom they pleased for condemnation.

Lord Russell received the news with the regret which, in a person of his temper, it was most likely to produce. Lord Shaftesbury, on the other hand, who was provoked at the apathy of his party, received with joy the news of the appointment of the sheriffs, thinking that his London friends, seeing their necks in danger, would join with him in raising an insurrection. He hoped, at first, to make use of the names of the Duke of Monmouth and Lord Russell, to catch the idle and unwary, by the respect paid to their characters; but when he found them too cautious to compromise themselves, he endeavoured to ruin their credit with the citizens. He said that the Duke of Monmouth was a tool of the Court; that Lord Essex had also made his bargain, and was to go to Ireland; and that, between them, Lord Russell was deceived.* It is a strong testimony to the real worth of Lord Russell, that, when he made himself obnoxious, either to the Court or to the more violent of his own party, the only charge they ever brought against him was, that of being deceived,

* Burnet.

either by a vain air of popularity, or too great a confidence in his friends.

Lord Shaftesbury, finding himself deserted, then attempted to raise an insurrection, by means of his own partisans, in the city. The Duke of Monmouth, at various times, discouraged these attempts. On one of these occasions, he prevailed on Lord Russell, who had come to town on private affairs, to go with him to a meeting, at the house of Shepherd, a wine-merchant.

Lord Shaftesbury being concealed in the city at this time, did not dare to appear himself at this meeting, but sent two of his creatures, Rumsey and Ferguson. Lord Grey and Sir Thomas Armstrong were also there; but nothing was determined at this meeting.

Soon after this, Lord Shaftesbury, finding he could not bring his friends to rise with the speed he wished, and being in fear of being discovered if he remained in London any longer, went over to Holland. He died in January, 1683.

The year, which thus began with the death of Shaftesbury, was nearly fatal to the liberties of England. The surrender of the city's charter, and its renewal on the most abject terms; the decree of the university of Oxford, enforcing slavery as a moral and religious duty; the deaths

of Russell and of Sidney, were deep, and almost mortal wounds to our constitution.

After Shaftesbury was gone, there were held meetings of his former creatures in the chambers of one West, an active, talking man, who had got the name of being an atheist. Col. Rumsey, an officer who had served under Cromwell, and afterwards in Portugal; Ferguson, who had a general propensity for plots; Goodenough, who had been under-sheriff; and one Holloway, of Bristol, were the chief persons at these meetings. Lord Howard was, at one time, among them. Their discourse seems to have extended itself to the worst species of treason and murder; but whether they had any concerted plan for assassinating the King, is still a mystery. Amongst those who were sounded in this business, was one Keeling, a vintner, sinking in business, to whom Goodenough often spoke of their designs. This man went to Legge, then made Lord Dartmouth, and discovered all he knew. Lord Dartmouth took him to Secretary Jenkins, who told him he could not proceed without more witnesses. It would also seem that some promises were made to him; for he said in a tavern, in the hearing of many persons, that "he had considerable proffers made him of money, and a place worth 100*l.* or 80*l.* per

annum, to do something for them * ;” and he afterwards obtained a place in the Victualling Office, by means of Lord Halifax.† The method he took of procuring another witness, was by taking his brother into the company of Goodenough, and afterwards persuading him to go and tell what he had heard at Whitehall.

The substance of the information given by Josiah Keeling, in his first examination, was that a plot had been formed for enlisting forty men, to intercept the King and Duke, on their return from Newmarket, at a farm-house called Rye, belonging to one Rumbold, a maltster ; that this plan being defeated by a fire at Newmarket, which caused the King’s return sooner than was expected, the design of an insurrection was laid ; and, as the means of carrying this project into effect, they said that Goodenough had spoken of 4000 men, and 20,000*l.* to be raised by the Duke of Monmouth and other great men. The following day, the two brothers made oath that Goodenough had told them that Lord Russell had promised to engage in the design, and to use all his interest to accomplish the killing of the King and the Duke. When the council found that the Duke of Monmouth and Lord

* Examinations before the Lords, 1689.

† Ibid.

Russell were named, they wrote to the King to come to London; for they would not venture to go further, without his presence and leave.* In the mean time, warrants were issued for the apprehension of several of the conspirators. Hearing of this, and having had private information from the brother of Keeling, they had a meeting on the 18th June, at Captain Walcot's lodging. At this meeting were present Walcot, Wade, Rumsey, Norton, the two Goodenoughs, Nelthrop, West, and Ferguson. Finding they had no means either of opposing the King, or flying into Holland, they agreed to separate, and shift each man for himself.†

A proclamation was now issued for seizing on some who could not be found; and amongst these, Rumsey and West were named. The next day, West delivered himself, and Rumsey came in a day after him. Their confessions, especially concerning the assassination at the Rye House, were very ample. Burnet says, they had concerted a story to be brought out on such an emergency.

In this critical situation, Lord Russell, though perfectly sensible of his danger, acted with the greatest composure. He had, long before, told Mr. Johnson, that "he was very sensible he

* Burnet.

† Sprat.

should fall a sacrifice: arbitrary government could not be set up in England without wading through his blood." * The day before the King arrived, a messenger of the council was sent to wait at his gate, to stop him if he had offered to go out: yet his back-gate was not watched, so that he might have gone away, if he had chosen it. He had heard that he was named by Rumsey; but forgetting the meeting at Sheppard's, he feared no danger from a man whom he had always disliked, and never trusted. Yet he thought proper to send his wife amongst his friends for advice. They were at first of different minds; but, as he said he apprehended nothing from Rumsey, they agreed that his flight would look too like a confession of guilt. This advice coinciding with his own opinion, he determined to stay where he was. As soon as the King arrived, a messenger was sent to bring him before the council. When he appeared there, the King told him that nobody suspected him of any design against his person; but that he had good evidence of his being in designs against his government. He was examined, upon the information of Rumsey, concerning the meeting at Sheppard's, to which Rumsey pretended to have carried a message, requiring a speedy reso-

* Lords' Examination, 1689.

lution, and to have received for answer, that Mr. Trenchard had failed them at Taunton. Lord Russell totally denied all knowledge of this message. When the examination was finished, Lord Russell was sent a close prisoner to the Tower. Upon his going in, he told his servant, Taunton, that he was sworn against, and they would have his life. Taunton said he hoped it would not be in the power of his enemies to take it. Lord Russell answered, "Yes; the devil is loose."*

From this moment he looked upon himself as a dying man, and turned his thoughts wholly to another world. He read much in the Scriptures, particularly in the Psalms; but whilst he behaved with the serenity of a man prepared for death, his friends exhibited an honourable anxiety to preserve his life. Lord Essex would not leave his house, lest his absconding might incline a jury to give more credit to the evidence against Lord Russell. The Duke of Monmouth sent to let him know he would come in, and run fortunes with him, if he thought it could do him any service. He answered, it would be of no advantage to him to have his friends die with him.

A committee of the Privy Council came to examine him. Their enquiries related to the meet-

* MSS. at Woburn.

ings at Sheppard's, the rising at Taunton, the seizing of the guards, and a design for a rising in Scotland. In answer to the questions put to him, he acknowledged he had been at Sheppard's house divers times, and that he went there with the Duke of Monmouth ; but he denied all knowledge of any consultation tending to an insurrection, or to surprize the guards. He remembered no discourse concerning any rising at Taunton, and knew of no design for a rising in Scotland. He answered his examiners in a civil manner, but declined making any defence till his trial, when he had no doubt of being able to prove his innocence. The charge of treating with the Scots, as a thing the Council were positively assured of, alarmed his friends, and Lady Russell desired Dr. Burnet to examine who it could be that had charged him ; but, upon enquiry, it appeared to be only an artifice to draw a confession from him ; and, notwithstanding the power which the Court possessed to obtain the condemnation of their enemies, by the perversion of law, the servility of judges, and the submission of juries, Lord Russell might still have contested his life, with some prospect of success, had not a new circumstance occurred to cloud his declining prospects. This was the apprehension and confession of Lord Howard. At first, he had talked of the whole matter with scorn and contempt ; and solemnly professed

that he knew nothing which could hurt Lord Russell. The King himself said, he found Lord Howard was not amongst them, and he supposed it was for the same reason which some of themselves had given, for not admitting Oates into their secrets, namely, that he was such a rogue they could not trust him. But when the news was brought to Lord Howard that West had delivered himself, Lord Russell, who was with him, observed him change colour, and asked him, if he apprehended any thing from him? He replied, that he had been as free with him as any man. Hampden saw him afterwards under great fears; and desired him to go out of the way, if he thought there was matter against him, and he had not strength of mind to meet the occasion. A warrant was now issued against him, on the evidence of West; and he was taken, after a long search, concealed in a chimney of his own house. He immediately confessed all he knew, and more. It appears but too probable, indeed, from the two following extracts, the one from Narcissus Luttrell's diary, and the other from Lady Russell's private notes, that Lord Howard, on the first appearance of danger, endeavoured to save his life at the expense of that of his friends:—

“ Ever since the first discovery of this plot, (says Narcissus Luttrell,) there have been dis-

courses of a peer's coming in to discover the same, which now proves to be the Lord Howard."

Note, endorsed by Lady Russell: — "This was said before (by?) the Lady Chaworth."

"There having run a story of a letter, without a name, writ to the King, promising a discovery against Lord Russell, which some said was Lord Huntingdon's, some Lord Essex's, Lord Howard and his wife being here on Sunday last, a lady coming in, whispered me in the ear, that here was the Lord that now they said had written the said letter to His Majesty. I whispered to her again, and asked her whether she would give me leave to tell him. She answered, Aye, if you will, when I am gone, without naming me. After which, she and all the rest of the company being gone, except Lord Howard and his lady, who staid for their coach, I said to my lord and his wife, 'My Lord, they say now that you are the person that writ the nameless letter to the King.' To which he replied, 'My Lord of Essex as much as I; and I, as much as my Lord of Essex. May my Lord Russell, and all innocent men, live till I accuse them!'"

Hampden and Lord Russell were imprisoned upon Lord Howard's information; and, four

days afterwards, Lord Russell was brought to trial : but, in order to possess the public mind with a sense of the blackness of the plot, Walcot, Hone, and Rouse were first brought to trial, and condemned, upon the evidence of Keeling, Lee, and West, of a design to assassinate the King.

A circumstance of more melancholy interest, but also tending to produce an impression unfavourable to Lord Russell, happened on the very morning of his trial. We have seen that Lord Essex staid in his own house, without any apparent uneasiness, from an apprehension that his flight would be injurious to his friend. An order was now given for his arrest, on the information of Lord Howard. A party of horse was sent to bring him up from his house at Cassiobury. He was at first in some disorder, but soon recovered himself. When he came before the council, however, he was in much confusion. He was sent to the Tower, and there fell under a great depression of spirits. He sent, by his servant, a very melancholy message to his wife : that what he was charged with was true ; that he was sorry he had ruined her and her children ; and that he had sent to Lord Clarendon, who had married his sister, to speak freely to him. She immediately sent back to him, to beg that he would not think of her or her children, but only study to support his own spirits ; and de-

sired him to say nothing to Lord Clarendon, nor to any one else, till she should come to him, which she hoped to get leave to do in a day or two. Lord Clarendon came to him upon his message, but he turned the matter off, as if he only wished to explain something he had said before the council. Lord Clarendon was satisfied that he had nothing farther to communicate.* After this he sent another message to his wife, that he was much calmer, especially when he found how she took his condition to heart, without seeming concerned for herself. The condition of his friend, Lord Russell, seems to have pressed heavily on his mind. He sent to the Earl of Bedford to say, he was more concerned for his son's condition than even Lord Bedford himself. And Lord Russell, when he looked towards Lord Essex's window, had observed him retire immediately into his room.

On the morning appointed for Lord Russell's trial, his servant Bommeny (as he asserted), thinking he staid longer in his room than ordinary, looked through the key-hole, and there saw him lying dead. He said that, upon breaking open the door, he found his master with his throat cut, quite dead. At the time, it was universally supposed that Lord Essex was the author

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of his own death; but this opinion was afterwards rendered doubtful, by the deposition of two children of thirteen years of age, totally unknown to each other, who declared that they saw a bloody razor thrown out of the window of Lord Essex's chamber. Braddon, who gave currency to these reports, was tried and convicted as a spreader of false news. After the Revolution, a Committee of the House of Lords, consisting of Lord Bedford, Lord Devonshire, Lord Delamere, and Lord Monmouth, was named, to enquire into the death of Lord Essex. They examined above sixty witnesses; but Lord Devonshire, Lord Delamere, and Lord Monmouth, being obliged to leave London on public business, the investigation was suspended, and Parliament being soon afterwards dissolved, it was never resumed. Some time before this, however, Lady Essex had called a meeting of her relations, at which Lord Bedford, Lord Devonshire, and Bishop Burnet were present; at which she declared she believed Lord Essex had killed himself, and desired the business might be let fall.* The depositions taken before the Lords are not to be found; it would be idle, therefore, at the present time, to pretend to give any opinion on the subject; and I should say

* Diary of Henry Earl of Clarendon.

self, but by advice of the Bishop of Edinburgh, the Duke's friend, he subjoined an explanation, saying that he took it "in so far as it was consistent with itself and the Protestant religion."

And that he did not mean to bind himself from endeavouring, in a lawful way, any alteration he might think to the advantage of church and state, not repugnant to the Protestant religion, and to his loyalty. The Earl of Queensbury had before said, on taking the oath, that he did not think himself obliged to oppose alterations in church or state, in case it should please His Majesty to make any. Argyle's explanation raised no debate at the time; and the duke desired him, with a smile, to sit down by him. But the next day he was desired to give in his explanation in writing, and to sign it; and within a few days he was found guilty of treason upon no other evidence. To make the injustice complete, Lord Queensbury officiated as Lord-Justice General. The Earl, happily for himself, made his escape from the castle of Edinburgh. The royal brothers then protested no harm was meant to his person, which did not, however, prevent sentence being past, that he should be put to death when apprehended: that his name, memory, and honours should be extinct: that his posterity should be incapable of honour,

place, or office ; and that his estates, goods, and chattels, should be forfeited.*

Such was the manner in which the Court treated their opponents in a country where the violence of their supporters enabled them to commit any kind of offence against justice. In England, the vengeance of the Court against the Whig leaders was still retarded by the influence which they maintained in the city. It was found that the proceedings in the case of quo warranto being embarrassed by legal forms, would occasion considerable delay. A shorter way to the same object was perceived by electing sheriffs against the will of the citizens.

It had been an ancient custom for the Lord Mayor to name one of the sheriffs for the ensuing year, by drinking to him, and this nomi-

* It is curious to remark the reasons which are given in the Life of James, supported in this instance by reference to their letters, for the conduct of the King and the Duke in this affair. The Duke refuses the intercession of the Duke of Lauderdale, because " he would not be diverted, to make friends to himself, from pursuing the King's interest, wherever he thought it concerned." The King, on the other hand, " thought fit to issue out a proclamation for apprehending my Lord Argyle, that if it missed his person, it might convince the world, at least, he was satisfied with the Duke's management, and silence, thereby, the discourses industriously spread abroad, as if he had been prosecuted more out of a pique by the Duke, than by reason of any guilt to the King." What an affecting picture of brotherly love!

nation was generally confirmed by the livery. But the letter of the charter, and various precedents, demonstrate, beyond all doubt, that the right of election resided in the citizens at large, and that the choice allowed to the Lord Mayor was only a matter of courtesy between the city and its chief magistrate. The Court, however, made use of this custom as an engine to impose, not only one, but both sheriffs of their own party. Sir John Moore, the Lord Mayor, a very weak man, was prevailed upon to drink to Mr. Dudley North, a Turkey merchant. The Whigs having pitched upon Mr. Papillion and Mr. Dubois for sheriffs, assembled in great numbers on the day of election, and were clamorous for a poll. The Lord Mayor, insisting on his right to choose one of the sheriffs, by drinking to him, would not proceed to an election, but adjourned the court. And here the sheriffs of the year, Mr. Shute and Mr. Pilkington, were guilty of a great irregularity. For they still held on the court, and began a poll. Upon which some confusion ensued, and the next day the Lord Mayor complained of the sheriffs for a riot, and they were committed to the Tower.

After another irregular poll, the election of the sheriffs at last took place, on the 15th of July, when the Lord Mayor insisted that North was already chosen, and would only poll for

three, Papillion, Dubois, and Box, the court candidate. The sheriffs, on the other hand, opened the poll for all four. At the close of the poll the sheriffs came forward and declared the numbers to stand thus:—

Papillion	-	-	-	2482
Dubois	-	-	-	2481
Box	-	-	-	173
North	-	-	-	107
And against confirmation				2414

The Lord Mayor, on the other hand, declared that Papillion and Dubois had but 60, and Box 1244. The Lord Mayor declared Box to be the other sheriff, and the sheriffs declared Papillion and Dubois. Box having fined off, another election took place on the 19th of September, when a Mr. Rich being put up, there was such a noise of No Rich, that nothing could be heard. Upon which the sheriffs granted a poll, and the majority again appeared for Papillion and Dubois. But the Lord Mayor, whilst the poll was adjourned, came forward and declared Mr. Rich duly elected. On the 29th of September, Mr. North and Mr. Rich, the one chosen by an unlawful mode, and the other by open violence were sworn, and took possession of their offices.

The Court soon had an opportunity of making use of their new power. The Duke of York was, about this time, recalled from Scotland, chiefly

for the purpose of making an arrangement of his revenue, by which the Duchess of Portsmouth was to receive 5000*l.* a year out of the post-office. "All this while," says James, in his memoirs, speaking of himself, "the Duke knew very well his revenue was so settled, that nothing but an act of parliament could alienate any part of it; which he took care not to mention to any living soul, lest that might have made the King lay the thoughts of it aside, or made her solicit for a Parliament, which would have given that project a mischievous turn, and done him hurt instead of good." Soon after his return, Pilkington, formerly sheriff, being accused of saying, on a report that the Duke intended to leave Scotland, "He has already burned the city; he is now coming to cut all our throats," was convicted and sentenced to pay 100,000*l.* damages.* A fine, extending to the ruin of the criminal, and directly contrary to the spirit of our laws. Sir Patience Ward, formerly mayor, having given evidence that he did not hear the words spoken by Pilkington, was condemned to the pillory for perjury.

The election of the sheriffs seemed to complete the victory of the throne over the people.

* In the Life of James, this trial is placed in May, 1683, instead of which, it ought to be Nov. 24, 1682.

N. Luttrell's Diary.

It was evident, from the past conduct of the Court, that they would now select whom they pleased for condemnation.

Lord Russell received the news with the regret which, in a person of his temper, it was most likely to produce. Lord Shaftesbury, on the other hand, who was provoked at the apathy of his party, received with joy the news of the appointment of the sheriffs, thinking that his London friends, seeing their necks in danger, would join with him in raising an insurrection. He hoped, at first, to make use of the names of the Duke of Monmouth and Lord Russell, to catch the idle and unwary, by the respect paid to their characters; but when he found them too cautious to compromise themselves, he endeavoured to ruin their credit with the citizens. He said that the Duke of Monmouth was a tool of the Court; that Lord Essex had also made his bargain, and was to go to Ireland; and that, between them, Lord Russell was deceived.* It is a strong testimony to the real worth of Lord Russell, that, when he made himself obnoxious, either to the Court or to the more violent of his own party, the only charge they ever brought against him was, that of being deceived,

* Burnet.

either by a vain air of popularity, or too great a confidence in his friends.

Lord Shaftesbury, finding himself deserted, then attempted to raise an insurrection, by means of his own partisans, in the city. The Duke of Monmouth, at various times, discouraged these attempts. On one of these occasions, he prevailed on Lord Russell, who had come to town on private affairs, to go with him to a meeting, at the house of Shepherd, a wine-merchant.

Lord Shaftesbury being concealed in the city at this time, did not dare to appear himself at this meeting, but sent two of his creatures, Rumsey and Ferguson. Lord Grey and Sir Thomas Armstrong were also there; but nothing was determined at this meeting.

Soon after this, Lord Shaftesbury, finding he could not bring his friends to rise with the speed he wished, and being in fear of being discovered if he remained in London any longer, went over to Holland. He died in January, 1683.

The year, which thus began with the death of Shaftesbury, was nearly fatal to the liberties of England. The surrender of the city's charter, and its renewal on the most abject terms; the decree of the university of Oxford, enforcing slavery as a moral and religious duty; the deaths

of Russell and of Sidney, were deep, and almost mortal wounds to our constitution.

After Shaftesbury was gone, there were held meetings of his former creatures in the chambers of one West, an active, talking man, who had got the name of being an atheist. Col. Rumsey, an officer who had served under Cromwell, and afterwards in Portugal; Ferguson, who had a general propensity for plots; Goodenough, who had been under-sheriff; and one Holloway, of Bristol, were the chief persons at these meetings. Lord Howard was, at one time, among them. Their discourse seems to have extended itself to the worst species of treason and murder; but whether they had any concerted plan for assassinating the King, is still a mystery. Amongst those who were sounded in this business, was one Keeling, a vintner, sinking in business, to whom Goodenough often spoke of their designs. This man went to Legge, then made Lord Dartmouth, and discovered all he knew. Lord Dartmouth took him to Secretary Jenkins, who told him he could not proceed without more witnesses. It would also seem that some promises were made to him; for he said in a tavern, in the hearing of many persons, that "he had considerable proffers made him of money, and a place worth 100%. or 80%. per

annum, to do something for them * ;” and he afterwards obtained a place in the Victualling Office, by means of Lord Halifax.† The method he took of procuring another witness, was by taking his brother into the company of Goodenough, and afterwards persuading him to go and tell what he had heard at Whitehall.

The substance of the information given by Josiah Keeling, in his first examination, was that a plot had been formed for enlisting forty men, to intercept the King and Duke, on their return from Newmarket, at a farm-house called Rye, belonging to one Rumbold, a maltster ; that this plan being defeated by a fire at Newmarket, which caused the King’s return sooner than was expected, the design of an insurrection was laid ; and, as the means of carrying this project into effect, they said that Goodenough had spoken of 4000 men, and 20,000*l.* to be raised by the Duke of Monmouth and other great men. The following day, the two brothers made oath that Goodenough had told them that Lord Russell had promised to engage in the design, and to use all his interest to accomplish the killing of the King and the Duke. When the council found that the Duke of Monmouth and Lord

* Examinations before the Lords, 1689.

† Ibid.

Russell were named, they wrote to the King to come to London; for they would not venture to go further, without his presence and leave.* In the mean time, warrants were issued for the apprehension of several of the conspirators. Hearing of this, and having had private information from the brother of Keeling, they had a meeting on the 18th June, at Captain Walcot's lodging. At this meeting were present Walcot, Wade, Rumsey, Norton, the two Goodenoughs, Nelthrop, West, and Ferguson. Finding they had no means either of opposing the King, or flying into Holland, they agreed to separate, and shift each man for himself.†

A proclamation was now issued for seizing on some who could not be found; and amongst these, Rumsey and West were named. The next day, West delivered himself, and Rumsey came in a day after him. Their confessions, especially concerning the assassination at the Rye House, were very ample. Burnet says, they had concerted a story to be brought out on such an emergency.

In this critical situation, Lord Russell, though perfectly sensible of his danger, acted with the greatest composure. He had, long before, told Mr. Johnson, that "he was very sensible he

* Burnet.

† Sprat.

should fall a sacrifice: arbitrary government could not be set up in England without wading through his blood." * The day before the King arrived, a messenger of the council was sent to wait at his gate, to stop him if he had offered to go out: yet his back-gate was not watched, so that he might have gone away, if he had chosen it. He had heard that he was named by Rumsey; but forgetting the meeting at Sheppard's, he feared no danger from a man whom he had always disliked, and never trusted. Yet he thought proper to send his wife amongst his friends for advice. They were at first of different minds; but, as he said he apprehended nothing from Rumsey, they agreed that his flight would look too like a confession of guilt. This advice coinciding with his own opinion, he determined to stay where he was. As soon as the King arrived, a messenger was sent to bring him before the council. When he appeared there, the King told him that nobody suspected him of any design against his person; but that he had good evidence of his being in designs against his government. He was examined, upon the information of Rumsey, concerning the meeting at Sheppard's, to which Rumsey pretended to have carried a message, requiring a speedy reso-

* Lords' Examination, 1689.

lution, and to have received for answer, that Mr. Trenchard had failed them at Taunton. Lord Russell totally denied all knowledge of this message. When the examination was finished, Lord Russell was sent a close prisoner to the Tower. Upon his going in, he told his servant, Taunton, that he was sworn against, and they would have his life. Taunton said he hoped it would not be in the power of his enemies to take it. Lord Russell answered, "Yes; the devil is loose."*

From this moment he looked upon himself as a dying man, and turned his thoughts wholly to another world. He read much in the Scriptures, particularly in the Psalms; but whilst he behaved with the serenity of a man prepared for death, his friends exhibited an honourable anxiety to preserve his life. Lord Essex would not leave his house, lest his absconding might incline a jury to give more credit to the evidence against Lord Russell. The Duke of Monmouth sent to let him know he would come in, and run fortunes with him, if he thought it could do him any service. He answered, it would be of no advantage to him to have his friends die with him.

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ings at Sheppard's, the rising at Taunton, the seizing of the guards, and a design for a rising in Scotland. In answer to the questions put to him, he acknowledged he had been at Sheppard's house divers times, and that he went there with the Duke of Monmouth ; but he denied all knowledge of any consultation tending to an insurrection, or to surprize the guards. He remembered no discourse concerning any rising at Taunton, and knew of no design for a rising in Scotland. He answered his examiners in a civil manner, but declined making any defence till his trial, when he had no doubt of being able to prove his innocence. The charge of treating with the Scots, as a thing the Council were positively assured of, alarmed his friends, and Lady Russell desired Dr. Burnet to examine who it could be that had charged him ; but, upon enquiry, it appeared to be only an artifice to draw a confession from him ; and, notwithstanding the power which the Court possessed to obtain the condemnation of their enemies, by the perversion of law, the servility of judges, and the submission of juries, Lord Russell might still have contested his life, with some prospect of success, had not a new circumstance occurred to cloud his declining prospects. This was the apprehension and confession of Lord Howard. At first, he had talked of the whole matter with scorn and contempt ; and solemnly professed

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courses of a peer's coming in to discover the same, which now proves to be the Lord Howard."

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On the morning appointed for Lord Russell's trial, his servant Bommeny (as he asserted), thinking he staid longer in his room than ordinary, looked through the key-hole, and there saw him lying dead. He said that, upon breaking open the door, he found his master with his throat cut, quite dead. At the time, it was universally supposed that Lord Essex was the author

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* Diary of Henry Earl of Clarendon.

no more on it, were it not that I have been assured by the present Earl of Essex, that Lord Onslow, then a Lord of the Treasury, told him, when a boy, that he had seen the entry of a grant of money to Bommeny in the books of the Treasury. The following circumstance corroborates strongly this testimony. At Russell Farm, near Cassiobury, there exists a copy of Lord Essex's letters, published in 1770, prefixed to which is an account of his life. In the margin of the page where he is stated to have been committed to the Tower, is the following note in the hand-writing of the Countess of Essex, grandmother of the present Earl. " Bommeny had a pension from the Treasury by the King's order till the day of his death, as Mr. Grenville told us appeared upon the Treasury books; Lady Carlisle, his daughter, likewise said that the family were of the same opinion, but his widow did not care to stir about it on account of her son." The Lady Essex who wrote this note was of the Russell Family: by the word " us" she probably means herself and a daughter who lived with her, A search was made at my request, but without success, into some of the Treasury books: there are others, however, in such confusion that it would be very difficult to examine them. The opinion that

Lord Essex was murdered, undoubtedly receives great support from the fact attested by Mr. Grenville and Lord Onslow. But it would have been satisfactory to have ascertained beyond a doubt, that Bommeny did not receive a pension from the Treasury before the death of Lord Essex. There is another circumstance mentioned by Braddon, which, if true, would go far to settle the question. He says that the sentinel who guarded the outer door, affirmed in his first examination, that he did not admit any one in the morning to Lord Essex's apartment, but that, in his subsequent examination, he allowed that he had admitted two men. Braddon attributes the stop put to the enquiry, to the regard which was paid to a minister of that day (probably meaning Lord Halifax), who had afterwards been one of the chief actors in the Revolution ; and to the respect required by the feelings of Queen Mary and Princess Anne.

The interval between the imprisonment of Lord Russell, and his trial, were anxiously spent by Lady Russell in preparations for his defence. The two following notes are the best evidence of the nature of her employment ; and the last will be valuable to those who set a price upon any memorial tending to show how well firmness may be combined with affection.

Lady Russell to Lord Russell.

“ I had, at coming home, an account that your trial, as to your appearing, is not till to-morrow. Others are tried this day, and your indictment presented, I suppose. I am going to your counsel, when you shall have a further account from ——”

Lady Russell to Lord Russell.

Endorsed — “ To ask his leave to be at his trial.”

“ Your friends, believing I can do you some service at your trial, I am extremely willing to try; my resolution will hold out — pray let yours. But it may be the Court will not let me; however, do you let me try. I think, however, to meet you at Richardson’s, and then resolve: your brother Ned will be with me, and sister Marget.”

CHAP. XV.

TRIAL OF LORD RUSSELL.

ON Friday, the 13th of July, Lord Russell was 1683.
placed within the bar of the Old Bailey, to take
his trial for high-treason.

The clerk of the Crown, having desired him to
hold up his hand, proceeded to read the indict-
ment, the substance of which was “for conspir-
“ ing the death of the King, and consulting and
“ agreeing to stir up insurrection ; and to that
“ end to seize the guards, (*appointed*) for the
“ preservation of the King’s person.”

On the question of guilty, or not guilty, being
put to him, Lord Russell asked the Lord Chief
Justice, (Sir Francis Pemberton,) if he might
not have a copy of the matter of fact laid against
him, in order that he might know how to answer
it ; but being told nothing could be granted
until he should plead, he pleaded, Not Guilty.
The usual question then being asked, how he
would be tried ? Lord Russell observed, he
thought a prisoner was never arraigned, and
tried at the same time. To which the Lord

Chief Justice answered, "that for crimes of this nature it was continually done."

The Attorney-General said, his Lordship had no reason to complain; since Monday se'nnight he had had notice of trial, and the matter alleged against him; that he had the liberty of counsel to advise him; and that no sort of privilege had been denied, which became a subject in his condition to have.

Lord Russell replied, he had heard only some general questions: he expected witnesses who could not arrive before night; and thought it very hard he could not be allowed one day more.

The Lord Chief Justice told him, without the King's consent, they could not put off the trial. Lord Russell then demanded a copy of the pannel of the jury, that he might challenge them.

The Lord Chief Justice and Attorney-General expressed their surprise, that his lordship had not received a list, as they had ordered the Secondary Normansel to prepare one. Lord Russell begging that he might have one, the Lord Chief Justice wished to defer his trial till the afternoon, which the Attorney-General opposed. Upon this he observed his case was very hard; to which Sir Robert Sawyer, then Attorney-General, answered, "Do not say so; the King does

“ not deal hardly with you ; but I am afraid it
“ will appear you would have dealt more hardly
“ with the King ; you would not have given the
“ King an hour’s notice for saving his life.”

The Secondary Normansel was then sent for, when it appeared that a list of names had been given to Lord Russell’s servant, who delivered it to Lady Russell, from whom his lordship received it ; but Lord Russell stated, the names of the persons on the list were those who were generally on juries, but not a pannel.

A conversation then took place between Lord Russell, the Lord Chief Justice, and the Attorney-General, in which Lord Russell complained of not having been furnished with a proper copy of the pannel ; and requested his trial might be postponed until the afternoon. The Lord Chief Justice answered ; the King’s counsel did not think his request reasonable, and would not delay the trial any longer.

The clerk of the Crown then addressed the prisoner, telling him, that if he challenged any of the jurors, he must speak as they came to the book to be sworn, and before they had sworn.

Lord Russell asked for pen, ink, and paper, and the use of any papers he had, which request being granted, he said,

“ May I have somebody write to help my
“ memory ?”

Attorney-General. "Yes, a servant."

Lord Chief Justice. "Any of your servants
"shall assist in writing any thing you please."

Lord Russell. "My wife is here, my lord, to
"do it."

Lord Chief Justice. "If my lady please to give
"herself the trouble."

The jury being then called, Lord Russell objected to Sir Andrew Forster as not being in the list. John Martin was next called, upon which Lord Russell asked if he was possessed of a freehold of forty shillings a year, adding, he hoped none would be allowed in the pannel but those who were freeholders, for by the statute of 2 Hen. V., it was enacted, that no person shall be judged, in cases of life and death, but by persons possessing freehold property to that amount.

The Lord Chief Justice answered, that the city of London belonging much to nobility and gentry who live abroad, was an exception to this. Upon which Lord Russell requested, as it was a point of law, his counsel might be called in to argue it.

Mr. Pollexfen, Mr. Holt, and Mr. Ward, the counsel assigned to Lord Russell, were then called, and used many arguments to prove that no person could be a juryman in this case, who did not possess freehold property, in which

they were opposed by the Attorney and Solicitor-General. The Lord Chief Justice, the Lord Chief Baron, Mr. Baron Street, and the Justices Windham, Jones, Leving, and Withins, gave their opinions against Lord Russell. The Lord Chief Justice then delivered the opinion of the Court in the following words: —

“ My Lord, the Court is of opinion, upon
“ hearing your Lordship’s counsel, and the
“ King’s, that it is no good challenge to a jury,
“ in case of treason, that he has not freehold
“ within the city. But I must tell your Lordship
“ withal, that your Lordship has nothing of
“ hardship in this case, for notwithstanding that,
“ I must tell you that you will have as good a
“ jury, and better than you should have had in
“ a county of 4*l.* or 40*s.* a-year freeholders.
“ The reason of the law for freeholds is, that no
“ slight persons should be put upon a jury,
“ where the life of a man, or his estate, comes in
“ question; but in the city, the persons that are
“ impannelled are men of quality and substance,
“ men that have a great deal to lose. And there-
“ fore your Lordship hath the same in substance,
“ as if a challenge was allowed in freehold. It
“ will be no kind of prejudice to your Lordship
“ in this case. Therefore, if you please apply
“ yourself as the Jury is called, and make your
“ exceptions if you shall make any.”

Upon calling over the names, Lord Russell challenged no less than one-and-thirty, a fact which can hardly be explained, but by supposing that some pains had been taken by his enemies in the selection.

Mr. North opened the case.

The Attorney-General then followed, and stated that he should prove by evidence, that Lord Russell, the Duke of Monmouth, Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson, whom he called the council of state, were to give directions for a general rising throughout the kingdom. He observed this plot required persons of interest, prudence, and secrecy, to manage it: that these gentlemen had frequent meetings for the purpose; the noble prisoner at the bar being mixed with the others, especially with Ferguson: that they had received several messages from Lord Shaftesbury, touching the general rising, and were looked upon and acknowledged, as the persons who were to conclude and settle the time, and all other circumstances attending it: that it seemed these gentlemen could not give the Earl of Shaftesbury satisfaction to his mind, having disappointed him on the day (the 17th of November) appointed for the rising, in consequence of an account that Mr. Trenchard, whom they depended on for a thousand foot, and two or

three hundred horse, had failed them, which gave Lord Shaftesbury great displeasure, and occasioned his and Mr. Ferguson's going away : that to carry on the practice, Sir T. Armstrong and Lord Grey were left out of the council, and a new one of six persons was formed, consisting of the honourable prisoner at the bar, the Duke of Monmouth, Lord Howard, the Earl of Essex, (who he was sorry to say had that morning prevented the hand of justice on himself,) Colonel Sydney, and Mr. Hampden. These six had frequent consults ; they debated in what manner they should make the rising ; and Colonel Sydney dispatched Aaron Smith to invite Scotch commissioners to treat with these noble lords ; in consequence of which several persons came from Scotland for the purpose, who at first demanded 30,000*l.* then 10,000*l.* and at last fell to 5000*l.*, which they said they would take, and run all hazards ; but the council not coming to their terms, the agreement broke off the week the plot was discovered. He concluded by saying he should proceed to call witnesses to prove these facts, which God had pleased to bring to light, with as plain an evidence as ever was heard.

The first witness sworn was Colonel Rumsey, who, on being desired by Serjeant Jeffries to disclose all he knew of the different meetings, and

the debates at those meetings, gave the following account:— That late in October, or early in November, he was at Lord Shaftesbury's lodgings, down by Wapping, where that lord lay concealed, and was told by him there were met at one Mr. Sheppard's house, the Duke of Monmouth, Lord Russell, Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson; that Lord Shaftesbury desired him to go to, and speak to them respecting the rising at Taunton; that he went accordingly, and was conducted by Mr. Sheppard to the room, where they were assembled; that in answer Mr. Ferguson told him, Mr. Trenchard had failed them, and nothing more could be done at that time; that during the time he was in the house, some conversation took place respecting a declaration, and there was a proposal made to seize the guards at the Savoy and Mews; and the Duke of Monmouth, Lord Grey, and Sir T. Armstrong, undertook to reconnoitre their position. The witness then repeated, at the desire of Jeffries, the message of Lord Shaftesbury, and Ferguson's answer.

Attorney-General. “ Was the prisoner at the bar present at that debate?”

Colonel Rumsey. “ Yes.”

Serjeant Jeffries. “ Did you find the prisoner averse or agreeing to it?”

Colonel Rumsey. “ Agreeing to it.”

Serjeant Jeffries then asked Lord Russell "If he had any questions to ask the witness?" To which he replied, "I have very few questions to ask him, for I know little of the matter: for it was the greatest accident in the world I was there; and when I saw that company was there, I would have been gone again. I came there accidentally to speak with Mr. Sheppard: I was just come to town; but there was no discourse of surprising the guards, nor any undertaking of raising an army."

Lord Chief Justice. "We will hear you to any thing by-and-by; but that which we now desire of your lordship is, as the witnesses come, to know if you would have any particular questions asked of them."

Lord Russell. "I desire to know if I gave any answer to any message about the rising."

Colonel Rumsey. "Yes; my Lord Russell did speak of it."

Lord Russell. "How should I discourse of the rising at Taunton, that knew not the place, nor had knowledge of Trenchard!"

Mr. Sheppard, who was next sworn, stated, that in October last Mr. Ferguson came to him, and desired the conveniency of his house for the Duke of Monmouth, and some other persons of quality, to meet there, which was granted, and

in the evening the Duke of Monmouth, Lord Grey, Lord Russell, Sir Thomas Armstrong, Colonel Rumsey, and Mr. Ferguson came. Sir Thomas Armstrong desired no servants might be admitted : he (Mr. S.) himself fetched wine, &c. ; that the substance of their discourse was, how they might surprise the King's guards, who were viewed for that purpose by the Duke of Monmouth, Lord Grey, and Sir T. Armstrong. The latter said they were very remiss, and not like soldiers.

Attorney-General. " How many meetings had you there ?"

Mr. Sheppard. " I remember but twice, Sir."

Serjeant Jeffries. " Was my Lord Russell " there ?"

Mr. Sheppard. " Yes, Sir, as I remember —"

He then proceeded to state, that a paper, in the nature of a declaration, was read, setting forth the grievances of the nation, in order to a rising, &c. &c. but he could not particularly remember the words.

Foreman of the Jury. " Can you say my Lord " Russell was there when that declaration was " read, as you call it ?"

Sheppard. " I can't say that."

Attorney-General. " But he was there when " they talked of seizing the guards ?"

Sheppard. " Yes, my lord was there then."

Lord Russell. “ I never was at your house
“ but once, and there was no such design, as I
“ heard of. I desire that Mr. Sheppard may
“ recollect himself.”

Sheppard. “ Indeed, my lord, I can’t be posi-
“ tive in the times. My lord, I am sure, was
“ at one meeting.”

Lord Chief Justice. “ But was he at both ?”

Sheppard. “ I think so, but it was eight or
“ nine months ago, and I cannot be positive.”

Lord Russell. “ I can prove I was then in the
“ country. Colonel Rumsey said there was but
“ one meeting.”

Colonel Rumsey. “ I do not remember I was
“ at two ; if I was not, I heard Mr. Ferguson
“ relate the debates of the other meeting to my
“ Lord Shaftesbury.”

Lord Russell. “ Is it usual for the witnesses
“ to hear one another ?”

Lord Chief Justice. “ I think your lordship
“ need not concern yourself about it ; for I see
“ the witnesses are brought in one after ano-
“ ther.”

Lord Howard was then sworn : He said, that
at the time of the long dispute in the city about
the election of sheriffs, he was acquainted with
Captain Walcot, and introduced him to Lord
Shaftesbury, whose confidence he soon gained ;
that being acquainted with many persons in the

city, he entered into their counsels ; that he afterwards came to him (Lord Howard), and told him, they were sensible all they had was going ——

One of the Jury. “ We cannot hear you, my
“ lord.”

Lord Howard. “ There is an unhappy accident happened, which hath sunk my voice :
“ I was but just now acquainted with the fate of
“ my Lord of Essex.” Having thus shown his sensibility at the death of one of his victims, Lord Howard proceeded to take away the life of another.

Captain Walcot, he continued, had told him they were sensible all their interest was going ; and they were resolved to stop it, if possible : that divers preparations were making, and that, for himself, he was determined to embark in it, and, for that purpose, would send his son to dispose of his stock on his establishment in Ireland, to furnish money for the undertaking : that, soon after this, he (the witness) went to his estate in Essex ; but that Captain Walcot and he carried on a correspondence in cant terms : that Captain Walcot acquainted him all was going on well, and requested him to be in town about the middle of September : that, being anxious to see the result of that great affair, the determination of the shrievalty, he came to

town on Michaelmas day. On the day following, Captain Walcot dined with him, and told him, Lord Shaftesbury had withdrawn from his own house, and secreted himself; that Lord S. desired much to see him, and had sent Captain Walcot to bring him to his place of concealment: that he accordingly went, with Captain Walcot, to one Watson's house, in Wood-street, where he saw Lord Shaftesbury, who told him, he considered himself, and all honest men, unsafe, while the administration was in the hands of those who would accommodate all things to the Court: that affairs were not ripe; and he did not doubt, with the assistance of those men he had in London, to be able to turn the tide that was ready to overflow. He complained of the unhandsome deportment of the Duke of Monmouth and Lord Russell, who had withdrawn from their engagements; for when he had got every thing ready in London, they said they were not so in the country; which he looked on only as an excuse, and expressed his determination to begin the work alone; he had 10,000 brisk boys, who, he said, would follow him whenever he held up his finger. The plan was to seize the gates, and, when their numbers had sufficiently increased, to sally out and possess themselves of Whitehall by beating the guards. He was certain of the success of this plan; but

lamented that these lords had failed him : that he, Lord Howard, answered to this, that Lord S. was aware of his disposition, and the bent of his spirit ; but he desired to converse with these lords, before he gave his assent to the plan. This, with much ado, Lord Shaftesbury at length consented to ; and, the next day, he visited the Duke of Monmouth, and told him the complaint Lord Shaftesbury made against him, concealing the truth that he had been with him, but pretending to have heard it from a third person. The Duke answered, he thought Lord Shaftesbury was mad ; he and Lord Russell had not given him any encouragement, and had told him it was impossible to do any thing in the country at that time. He then asked the Duke, if he was willing to meet Lord Shaftesbury ; to which the Duke replied, he was, “ with all his heart.” This conversation was, on the Wednesday following, related by him to Lord Shaftesbury, who denied the truth of the Duke’s assertion, and said, he suspected some artificial bargain between him and his father to save one another. He said, that several honest men, in the city, had asked him how the Duke of Monmouth lived ; which question he could not answer, as he knew he was dependent upon the King. He thought the Duke had no other design but personal interest ; whilst his, and his people’s wish,

was for a Commonwealth. He saw no good could result from an interview; it would but widen the breach; and he was afraid to trust him. He then said, his friends had gone too far to recede; that, in addition to the 10,000 men, they would have 1000 or 1500 horse, that were to be drawn insensibly into town; he enlarged greatly on the means they possessed, and other heads. To this Lord Howard answered, nothing would satisfy him but a meeting between Lord S. and the Lords; which, however, Shaftesbury would not consent to, but told him he might inform them of the state of forwardness he was in; and if they did themselves right, they would put themselves in a correspondent action, where their interest most lay. Lord Howard then went to the Duke of Monmouth, who was alone, and expressed to him his fears that the rashness of Shaftesbury would be the ruin of them all; and again requested the Duke to meet Lord S.; to which the Duke replied, he desired nothing so much as to see him. He then returned to Lord Shaftesbury; and, by threatening to break off all correspondence with him, at last got his consent to an interview, which was to take place on the Sunday following, at his own house. In the morning, however, a note was left there by Colonel Rumsey, stating,

the meeting could not be that day. Captain Walcot came, a few days afterwards, to Lord Howard, and told him Lord Shaftesbury had withdrawn, but did not doubt that they should hear from him soon; and that there would be a rising in about eight or ten days. This intelligence he communicated to the Duke of Monmouth; and the consequence was, that Lord Russell (so he was told) forced his way to Lord Shaftesbury, and persuaded him to put off the day of his rendezvous, which he consented to, on condition that they would be in readiness to raise the country about that day fortnight. The Duke of Monmouth observed, that, though they had now put it off, they must not be idle; for it would be impossible to hold off any longer. He had been at Wapping, and never saw brisker fellows. He had been round the Tower, and believed it easy to possess themselves of it; and added, that he had spoken to Mr. Trenchard to take particular care of Somersetshire; but that Mr. Trenchard turned so pale, he thought he would have fainted. The next day, the Duke of Monmouth said the rising was impossible; for he could not get the gentlemen of the country to stir yet. —

Here Lord Russell interrupted Lord Howard, saying, he thought it very hard that so great part of the evidence was hearsay. The Attorney-

General replied, "There is nothing against you; but it's coming to you, if your lordship will have patience, I assure you."

"Lord Howard continued. — He said, after this was put off, Captain Walcot came several times, and discoursed of it; and, about the 17th or 18th October, said they were positively determined to rise, and that a smart party might, perhaps, meet with some great men. This he (Lord H.) told the Duke of Monmouth, adding, he thought, from the intimation, there would be some attempt to kill the King. The Duke replied, "God-so! kill the King! I will never suffer that." They then went in search of Sir Thomas Armstrong, and sent him up and down the city to put off the rising; and this was done with success: that, afterwards, being at dinner together, on the day the King came from Newmarket, from some insinuations that were made, great anxiety prevailed for his safety, until he arrived in town. Sir T. Armstrong, not being with them at dinner, was supposed to be of the party. The rising was then determined to take place on the 17th November, the anniversary of Queen Elizabeth; but a proclamation, forbidding public bonfires, without leave of the Lord Mayor, made an impression on their minds that their scheme was discovered, and they were again disappointed: that Lord Shaftes-

bury being told this, took shipping, and got away, and had not been heard of by him until he was told of his death.

After this, they lay under the dread and apprehension of discovery, from having gone so far, and thought they had entrusted so many, that it was unsafe to retreat. They also considered it was necessary to have some general council, to manage so intricate an affair: they resolved, therefore, to form a little cabal, to consist of six persons, which were, the Duke of Monmouth, Lord Essex, Lord Russell, Algernon Sydney, Mr. Hampden, junior, and himself.

These persons met in the middle of January, at the house of Mr. Hampden, where it was debated which was the most proper place to commence the insurrection, whether in town or in the country; as also a proposition of the Duke of Monmouth, for having a common Bank of 25, or 30,000*l.* to answer any occasion; but the most material was, how they might draw Scotland in, to co-operate with them, as they thought it necessary that all the diversion possible should be made.

The same persons had a meeting, about ten days afterwards, at Lord Russell's; when they came to a resolution to send messengers to Lord Argyle, and others, into Scotland, to invite

persons hither who were judged most able to understand the state of Scotland, and give an account of it. The persons agreed on were Sir John Cochrane, Lord Melville, and Sir Hugh Campbell.

Lord Howard then stated, that in consequence of this resolution, Col. Sydney told him he had dispatched Aaron Smith into Scotland, and given him 60 guineas for the journey : that, after this, they considered these meetings might have been observed, and they agreed not to meet until after the return of the messenger.

Attorney-General. "You are sure my Lord Russell was there?"

Lord Howard. "Yes, Sir : I wish I could say he was not."

Attorney-General. "Did he sit there as a cypher? What did my lord say?"

Lord Howard. "Every one knows my Lord Russell is a person of great judgment, and not very lavish in discourse."

Lord Howard then proceeded to state, that the return of the messenger was in about six weeks ; that he was then in Essex, and when he returned, he heard Sir John Cochrane had arrived in London. Soon after this, he went to Bath, and staid there five weeks ; since he arrived in London was five weeks more, all which

time had been a perfect parenthesis ; and more than this he knew not.

Lord Russell being now asked if he had any questions to put to the witness, said, that the two times they met, it was “ upon no formed design, only to talk of news, and things in general ;” and that “ Lord Howard was a man of a voluble tongue, talked very well, and they were delighted to hear him.”

The messenger, Atterbury, was then sworn ; who said he had Sir Hugh Campbell in custody, being taken with his son making their escape from a woodmonger’s house. The Attorney-General then said he should call persons to prove that they looked upon these lords as their paymasters, and expected their assistance. Mr. West, Mr. Keeling, and Mr. Leigh, were called.

Mr. West was then sworn ; he said, in answer to a question put to him by the Attorney-General, that Lord Russell was the person they most depended on, as he was a man of great sobriety.

Lord Russell. “ Can I hinder people from making use of my name ? To have this brought to influence the gentlemen of the jury, and inflame them against me, is very hard.”

Serjeant Jeffries then said, that they had finished their case ; and the Lord Chief Justice

addressing Lord Russell, stated the evidence of the witnesses against him, and that it was time for him to give his answer. Lord Russell, after some remarks on Colonel Rumsey's ingratitude to the King, which made him totally unworthy to be believed, asked upon what statute he was tried: for by the 13th of Charles II., which makes it high treason to conspire to levy war, the prosecution must be brought on within six months. And by the 25th of Edward III. a design to levy war is not treason. The Attorney-General answered, that he was prosecuted on the 25th of Edward III., and that it had been often determined, that to prepare forces to fight against the King, is a design, within that statute, to kill the King.

Lord Russell said this was a matter of law. He also argued, that there was but one witness to the business of Sheppard's house, whereas by the law two were required; and he desired that counsel might be heard to argue these points for him. The Attorney-General and Chief Justice told him, that unless he would admit the fact, he could not have counsel to speak on the law. Lord Russell refused to admit the fact as proved; declared he was ready to swear he never heard Rumsey bring any message; that Rumsey had been in the room some time before he came;

and could not say before the King, some days before, that he had heard the message.

The Lord Chief Justice then desired to have the Act 25th Edward III. read. After the Act was read, Lord Russell again urged, that there should be two witnesses to one thing at the same time. He was answered, that in Lord Stafford's case there had been but one witness to one act in England, and another to one in France.

He then said, addressing himself to Rumsey, with respect to the meeting at Sheppard's: "The Duke of Monmouth and I came together, and you were standing at the chimney when I came in; you were there before me. My Lord Howard hath made a long narrative here of what he knew. I do not know when he made it, or when he did recollect any thing: it is but very lately that he did declare and protest to several people, that he knew nothing against me, nor of any plot I could in the least be questioned for."

Lord Chief Justice. "If you will have any witnesses called to that, you shall, my lord."

Lord Russell then called Lord Anglesey, who swore, that, being on a visit of condolence to the Earl of Bedford, Lord Howard came in for the same purpose, and said to Lord Bedford, "My

Lord, you are happy in having a wise son, and a worthy person, one that can never sure be in such a plot as this, or suspected for it ; and that may give your lordship reason to expect a very good issue concerning him. I know nothing against him, or any body else, of such a barbarous design, and therefore your lordship may be comforted in it."

Mr. Howard, a relation of Lord Howard, and Dr. Burnet, gave evidence of Lord Howard's solemn denial of his knowledge of the plot. Lord Cavendish, and Dr. Cox, proved that Lord Russell had expressed an ill opinion of Colonel Rumsey, long before his own arrest. The Duke of Somerset, Lord Clifford, Mr. Gore, Dr. Tillotson, Dr. Burnet, and Dr. Fitzwilliams, spoke to the general excellence of Lord Russell's character. Dr. Tillotson said, "I have been many years last past acquainted with my Lord Russell. I always judged him a person of great virtue and integrity ; and by all the conversation and discourse I ever had with him, I always took him to be a person very far from any such wicked design he stands charged with." This testimony is valuable, from the high reputation of the witness. The following is remarkable, from the emphatic energy of the expressions : — Mr. Gore said, "I have been acquainted with my lord several years, and conversed much with him. I took him to

be one of the best sons, one of the best fathers, and one of the best masters, — one of the best husbands, one of the best friends, and one of the best Christians we had.

Lord Howard tried to excuse what he had said to Lord Anglesey on the pretext that it was his object at that time to outface the King, both for himself and his party.

Lord Russell then addressed the Court.

“ My Lord : I cannot but think myself very unfortunate in appearing at this place, charged with a crime of the blackest and wickedest nature, and that intermixed and intricated with the treasonable and horrid practices and speeches of other men : and the King’s learned counsel taking all advantages, improving and heightening every circumstance against me ; and I myself no lawyer, a very unready speaker, and altogether a stranger to proceedings of this kind ; besides, naked, without counsel, and one against many ; so that I cannot but be very sensible of my inability to make my just defence.

“ But you, my lords the judges, I hope, will be equal and of counsel for me ; and I hope, likewise, that you, gentlemen of the jury, (though strangers to me,) are men of conscience, that value innocent blood, and do believe that with what measure you mete, it shall be measured to you again, either in this, or in another world. Nor

can I doubt, but you will consider the witnesses as persons that hope to save their own lives, by their swearing to take away mine.

“ But to answer in short, what is laid to my charge, I do in the first place declare, that I have ever had a heart sincerely loyal and affectionate to the King and government, (which I look upon as the best of governments,) and have always as fervently wished and prayed for His Majesty's long life, as any man living.

“ And now to have it intimated, as if I were agreeing or abetting to his murder, (I must needs say,) is very hard; for I have ever looked upon the assassination of any private person as an abominable, barbarous, and inhuman thing, tending to the destruction of all society; how much more the assassination of a prince! which cannot enter into my thoughts without horror and detestation: especially considering him as my natural prince, and one upon whose death such dismal consequences are but too likely to ensue. An action so abominably wicked, rash, and inconsiderate, that none but desperate wretches, or mad men, could contrive. And can it be believed that, my circumstances, and the past actions of my life considered, I should be capable of being guilty of so horrid a design? Certainly it cannot.

“ As for going about to make or raise a

rebellion ; that, likewise, is a thing so wicked, and withal impracticable, that it never entered into my thoughts. Had I been disposed to it, I never found, by all my observation, that there was the least disposition or tendency to it in the people. And it is known, rebellion cannot be now made here, as in former times, by a few great men.

“ I have been always for preserving the government upon the due basis, and ancient foundation ; and for having things redressed in a legal parliamentary way ; always against all irregularities and innovations whatsoever ; and so I shall be, I am sure, to my dying day, be it sooner or later.” *

* I have copied this speech from the original manuscript in Lord Russell's hand-writing ; endorsed by Lady Russell, “ My lord's own hand ; concerns his trial.” In the printed trial, the whole substance of the speech appears, but in two different places, p.p. 614. 625. Though evidently intended to be spoken altogether, he probably divided it for the sake of convenience at the time. In the printed speech there are also several omissions and mistakes. It begins with “ mighty unfortunate,” instead of “ very unfortunate.” “ With what measure you mete, it shall be measured unto you,” is left out, &c. And the just remark of Lord Russell, that a rebellion could not be then made as formerly by a few great men, is changed into “ we have few great men.” Dalrymple, always falling into blunders for the sake of effect, improves upon this. After mentioning how the audience received the

The Solicitor-General then addressed the Court in favour of the prosecution. He was followed by Jeffries, who, alluding to Lord Essex, said, that had he not been conscious of his guilt, he would scarcely have brought himself to an untimely end to avoid the methods of public justice.

The Lord Chief Justice, after summing up the evidence, told the jury, "The question before you will be, whether upon this whole matter you do believe my Lord Russell had any design upon the King's life, to destroy the King, or take away his life; for that is the material part here. It is used and given you by the King's counsel as an evidence of this, that he did conspire to raise an insurrection, and to cause a rising of the people, to make, as it were, a rebellion within the nation, and to surprise the King's guards, which, say they, can have no other end but to seize and destroy the King; and it is a great evidence, (if my Lord Russell did design to seize the King's guards, and make an insurrection in

introduction of Lady Russell to write for her lord, he says, "But when in his defence he said, 'There can be no rebellion *now*, as in former times, for there are *now* no great men left in England,' a pang of a different nature was felt by those who thought for the public."^a Had Lord Russell said such a thing, the pang felt must have been one of pity, for his want of judgment and propriety.

^a Dal. Mem. p. 90.

the kingdom,) of a design to surprise the King's person. It must be left to you upon the whole matter. You have not evidence in this case, as there was in the other matter, that was tried in the morning, or yesterday, against the conspirators, to kill the King at the Rye. There was a direct evidence of a consult to kill the King, that is not given you in this case. This is an act of contriving rebellion, and an insurrection within the kingdom, and to seize his guards, which is urged as an evidence, and surely is in itself an evidence, to seize and destroy the King."

The Court then adjourned till four o'clock; when the jury brought in their verdict of Guilty of the said High Treason.

CHAP. XVI.

THE ILLEGAL CONSTRUCTION PUT ON THE 25 EDWARD III.
— PERJURY OF THE WITNESSES. — LORD RUSSELL'S SENTENCE. — ATTEMPTS MADE TO SAVE HIS LIFE. — HIS PETITION TO THE KING, AND LETTER TO THE DUKE OF YORK. — HIS REFUSAL TO ABJURE THE RIGHT OF RESISTANCE.

IT is by no means my intention to discuss at length the legal questions which are involved in the trial of Lord Russell. The first of these questions respects the competency of a jury not composed of freeholders: the second concerns the nature of his offence. By an Act of Henry V., no person is to serve on a jury, in capital cases, but freeholders to the amount of 40s. The crown lawyers argued, that this provision was repealed by the Act of the first of Queen Mary; but that Act merely repeals all laws creating treasons since the statute of Edward III., and does not at all interfere with the mode of trial. Lord Russell, therefore, was not legally tried. With respect to the second question, whoever will take the trouble to read the Act of the 25th Edward III., and look over the various prosecutions which have been brought under it, will

be convinced that the present law of high treason is a law of the judges, and not of the legislature. The Act provides, that "treason shall be said," "when a man doth compass or imagine the death of our Lord the King;" or, "if a man do levy war against our Lord the King, in his realm." Lawyers have decided that the first of these species of treason extends to any conspiracy to levy war, in order to put any personal restraint upon the King, because the graves of princes are near their prisons; or in order to depose the King, because that is a civil death; or in order to oblige him to alter his measures of government, or remove evil counsellors from about him, because these purposes cannot be effected by open force, without manifest danger to his person. Such interpretations, it is evident, are so far from flowing directly from the law, that they can only be deduced from it, by doubtful reasoning, and arbitrary definition. The second species of high treason, mentioned above, is construed to mean a rising, not against the King's person, but against his *Majesty*, to effect any general purpose; as to pull down all meeting-houses, destroy all enclosures, &c. * These extensions of the law of treason were attempted by Richard II. and Henry VIII. with the consent of the

* Foster's Discourses on Crown Law, c. l. s. 3, 4, 5, and 6.

legislature, but repealed by the Act of Queen Mary. * At the time Lord Russell was tried, there was no precedent which bore directly on his case. Dr. Storey was tried for conspiring with a foreign prince. Lord Cobham, who had been convicted in the reign of James I., had clearly intended to confine the King's person, till he complied with the demands of the conspirators. Plunket, who had been executed a little before, was also charged with conspiring to bring a foreign force into the realm. So little certain or clear, in short, was the interpretation given to the law in Lord Russell's case, that the act for annulling his attainder, passed in the first year of William and Mary, recites that he "was, by undue and illegal return of jurors, having been refused his lawful challenge to the said jurors, for want of freehold, and, by PARTIAL AND UNJUST CONSTRUCTIONS OF LAW, WRONGFULLY CONVICTED, ATTAINTED, AND EXECUTED FOR HIGH TREASON."

Without venturing to dwell any further upon my own view of this subject, I copy, with great satisfaction, the recorded sentiments of Mr. Fox — an authority, in my opinion, not easily matched by that of any lawyer. Speaking of those who died for this plot, he says, "That

* See the trial of Hardy, and especially Lord Erskine's admirable speech.

which is most certain in this affair is, that they had committed no overt act, indicating the imagining the King's death, even according to the most strained construction of the statute of Edward the Third ; much less was any such act legally proved against them : and the conspiring to levy war was not treason, except by a recent statute of Charles the Second, the prosecutions upon which were expressly limited to a certain time, which, in these cases, had elapsed ; so that it is impossible not to assent to the opinion of those who have ever stigmatised the condemnation and execution of Russell as a most flagrant violation of law and justice."

There were, it is true, two other legal objections made by Lord Russell ; but neither appears to me to have much force in it. One was, that he had only assisted as a spectator in the consultation at which he was present ; and, therefore, was only guilty of misprision of treason, at most. But this objection will, by no means, hold : for when he asked Colonel Rumsey whether he had consented to the rising at Taunton, the witness answered in the affirmative ; and the evidence of Lord Howard went to prove that he was one of a select council of six, to prepare and digest the scheme of an insurrection.

Nor is there any force in the objection, that

the acts proved by Rumsey and Howard were separate and distinct. They both tended to the general purpose of insurrection; and the question had been already decided in the case of Lord Stafford. *

The other remarks I have to make concern the degree of credit due to the witnesses. The first of them, Colonel Rumsey, was a man of whom Lord Russell had a bad opinion, and of whom he had spoken slightly to Lord Cavendish. It was, therefore, not likely that he should trust him. Rumsey gave evidence of his having been at one meeting at Sheppard's: afterwards, he seems not to have been certain whether he had been at two, or whether he had heard the proceedings of the second related by Mr. Ferguson to Lord Shaftesbury. Is this likely? is it credible? Can a man of talent, or any man not an idiot, attend a treasonable meeting, and forget the circumstance within ten months? To the mind of an honest juryman such a circumstance would have borne conviction of the perjury of the witness; and that conviction would have been amply confirmed by the events of the next

* See "Case of William Lord Russell," — "Antidote against Poison," — "Defence of Lord Russell's Innocency," &c. in the State Trials, vol. ix. See also Lord Warrington's Works.

few years. For, in the month of October, 1685, Goodenough, having been arrested, offered, in order to save his life, to swear treason against Cornish, whom he secretly hated for the opposition which Cornish had made, when sheriff, to his own appointment as under-sheriff. To put the more force and venom into his information, he said that Rumsey had not discovered all he knew. Rumsey, alarmed at this charge, came forward and swore, without hesitation, to all that Goodenough chose to invent. Cornish was arrested, tried, condemned, and executed within ten days : but it soon appeared that Rumsey had perjured himself ; for he had sworn that Cornish was at Sheppard's house when a paper, intended for a declaration, was read, which he, Rumsey, had also heard. Whereas, on Lord Russell's trial, he had sworn that he had not heard the declaration read ; and that no one had been present except those he then mentioned, of whom Cornish was not one. His evidence was also contradicted by that of Sheppard, who swore that Cornish was not present when the pretended declaration was read. This notorious instance of perjury opened the eyes of all men ; and such discredit was thrown upon Rumsey, that the King found it impossible to employ him any more. The head and limbs of Cornish were

taken down, and his estate restored to his family. With that degree of justice and gratitude which is common to bad kings, James sent Rumsey to be confined in the secret state prison in the island of St. Nicholas, in Plymouth Harbour, which was then used, in defiance of the writ of habeas corpus. James probably feared an open trial for perjury, and a vindication of the memory of Lord Russell. It is material to observe, that the perjury of Rumsey relates to the meeting at Sheppard's, the matter on which his evidence was fatal to Lord Russell. It is also of much importance to remark, that Lord Grey, whose narrative was written to please James, admits that he did not hear Rumsey deliver any message.

The next witness against Lord Russell was Sheppard. "Taking this evidence by itself," says Sir John Hawles, "without tacking Rumsey's evidence to it, it was so far from being evidence of treason, that it was no crime; for he doth not say it (*seizing the guards*) was intended to be put in practice, notwithstanding all said by him. Both the discourses, and persons viewing the guards (which last was not evidence, nor ought to have been given in evidence), might be a matter to try each other's judgments, as well as an evidence of a thing designed; and if it be capable of two interpretations, the law hath said

it shall be taken *in miliore sensu*, in favour of life."

With respect to Sheppard, it may also be remarked, that, when asked by Serjeant Jeffries, he said that Lord Russell was present at both meetings; but when the question was repeated by Lord Russell himself, he said he could not be positive as to the times; and that he was sure he was at one meeting.

If the evidences of Rumsey and Sheppard are taken away, as it appears they ought to be, there remains only the single testimony of Lord Howard. But one witness upon capital charges is not sufficient. To examine the details of his long narrative were, therefore, a superfluous labour; but some particulars of his conduct unavoidably force themselves on the mind; the recollection of his despicable character, which exposed him to the contempt even of the King* ;

* Examination of Anthony Row, from the Report to the House of Lords, 20th December, 1689, in the Murders of Lord Russell, &c.

Ex. saith: — "The Duke of Monmouth sent him to the King with two or three letters, whom he found very angry at the Duke for the company he kept, and particularly with the Lord Howard; for the King said 'he was so ill a man, that he would not hang the worst dog he had upon his evidence.'" Yet upon the evidence of this very wretch did Charles put to death the best man in his dominions!

his solemn and repeated denial of all knowledge of the plot, at a time when, it is but too probable, he had written to Court to offer himself as an informer ; and the natural aversion which Lord Russell seems to have had to him, heighten our sorrow and indignation at the result of the trial, with the reflection, that the lives of the best are at the disposal of the basest of mankind.

With respect to the conduct of the trial, Lord Russell seems to have met with fairer usage than he was entitled to expect. The use of his papers, which had been denied to Colledge, was allowed him ; and the list of the jury appears to have been given him, though from some mistake he did not understand it was a regular pannel. The charge of the judge, though unfavourable to him, was not violent ; so little so, that, according to Burnet, he was dismissed, on that account, soon afterwards. The greatest hardship he sustained was, from his being unable to use the assistance of counsel to argue the law in his favour, without admitting the facts which had been sworn against him. This injustice, however, is to be attributed to the law, and not to the Court ; and the hardship experienced by Lord Russell, probably led the way to the alteration in the treason law, which took place after the Revolution, and opened the scene on which

modern eloquence was destined to display its powers, and reap its laurels.

On Saturday, the 14th of July, Lord Russell was brought to the bar to receive sentence. Upon being asked why judgment of death should not be passed upon him, he requested to have the indictment read. At the words "of conspiring the death of the King," Lord Russell said, "Hold: I thought I had not been charged in the indictment as it is, of compassing and conspiring the death of the King."

Attorney-General. "Yes, my lord."

Lord Russell. "But, Mr. Recorder, if all that the witnesses swore against me be true, I appeal to you and to the Court, — I appeal to you, whether I am guilty within the statute of 25th Edward III., they having sworn a conspiracy to levy war, but no intention of killing the King; and, therefore, I think, truly judgment ought not to pass upon me for conspiring the death of the King, of which there was no proof by any one witness."

To this the Recorder replied, that it was an exception proper to be made before the verdict; but that the Court was now bound by the verdict, as well as the prisoner. Thus, in the state of the law at that time, the prisoner was unable to introduce counsel before the verdict, because that were admitting the fact; and he was ex-

cluded from arguing the point after the verdict, because the jury had given judgment on the fact and the law together. *

Judgment was then given from the mouth of Sir G. Treby, who had been one of Lord Russell's associates in parliament, in the usual form, with all its disgusting circumstances.

The King afterwards changed this sentence into that of beheading; and upon this occasion he is said to have added, with a cool and cruel sarcasm, "Lord Russell shall now find that I am possessed of that prerogative, which, in the case of Lord Stafford, he thought proper to deny me." This anecdote, which has been copied by Hume and Dalrymple, rests on the authority of Echard, and I am willing to believe that the remark proceeded from the envenomed tongue of a partisan, rather than from the mouth of the sovereign. Had it been genuine, it would scarcely have been omitted by Burnet, North, and Reresby.

I am the more inclined to distrust the anecdote, because in the rest of this transaction, the King, though inexorable, seems by no means to have been wantonly unfeeling.

* In the following year, however, Rosewell, a dissenting preacher, having been found guilty of speaking treasonable words, moved in arrest of judgment that the words were not treason, and got off on that ground.

Many attempts were made to save Lord Russell's life. It is said that 50,000*l.* (some say 100,000*l.*) were offered by the Earl of Bedford for a pardon, and that the King refused it, saying, "He would not purchase his own, and his subjects' blood at so easy a rate." *

In the Duke of Monmouth's Journal, it appears that the King, in conference with Monmouth, falling on the business of Lord Russell, said he inclined to have saved him, but was forced to consent to his death, otherwise he must have broke with his brother. And when Monmouth was going to remonstrate how cruelly that noble lord had been dealt with, the King bid him "think no more of it." It also appears by an extract from Lord Dartmouth's MSS., that his father told the King the pardoning Lord Russell would lay an eternal obligation upon a very great and numerous family, and the taking his life never would be forgotten; that his father being still alive, it would have little effect on the rest of the family, except resentments; and there was some regard due to Southampton's daughter, and her children. The King answered, "all that is true, but it is as true, that if I do not take his life, he will soon have mine." †

Lady Ranelagh was one of those who showed

* Narcissus Luttrell's Diary.

† Dalrymple.

the most anxiety to save Lord Russell. In the Woburn papers are the two following letters from her : —

“ To the Earl of Bedford.

“ This is to beg your lordship to let my Lady Russell know, that her lord’s address to the Duke ought to be by way of petition ; and that the sooner it is presented, the better. It is said that Captain Richardson is he who has informed that my Lord Russell says his sufferings are but the prosecution of the Popish plot ; but I can scarce believe that true : but being told it, and that that suggestion has much incensed His Majesty against his lordship, I durst not but tell it to your lordship, from whom some good news of the petition, carried by my Lady Russell, would be very welcome to,

“ My lord,

“ Your lordship’s humble Servant,

“ K. RANELAGH.”

“ For my Lady Russell.

“ Tuesday night.

“ I have, Madam, just now obtained from my Lord Rochester, (who has really been very affectionate and faithful in your service,) a promise that he will speak to His Majesty, to get a reprieve for a month ; which I urged, by saying none of the rest could be tried in that time. I

am advised by another, that, if it were possible, your ladyship should, by some means or other, surprise His Majesty, and cast yourself at his feet, though in the gallery or park, to beg, if not his life, a reprieve: for he avoids seeing and hearing you yourself, because he fears if he did both, he could not deny you. That he may not be able to do so, is the hearty prayer of

“Your ladyship’s humble Servant,

“K. RANELAGH.”

Burnet says that a difference was observed on this subject between the King and the Duke: the former would not hear Lord Russell mentioned; whilst the latter listened patiently when the question was argued before him.*

It is said by Dalrymple, that upon Lord Russell’s condemnation, the younger Rouvigny begged the life of Lord Russell from Lewis XIV., and that Lewis consented to write to Charles in his favour. There seems to be no foundation for this story, nor, consequently, for the reply, (in bad French,) which Dalrymple puts into the mouth of Charles.† There is, in the papers at

* Burnet.

† In Dalrymple’s first edition, Charles is made to reply — “Je ne veux pas empêcher que M. de Rouvigny ne vienne pas ici.” This answer, however, is omitted in the octavo edition, and there is merely a reference to Barillon’s letter of the 19th July, 1683. See State Trials, vol. ix. p. 685.

Woburn, a note from the elder, not the younger, Rouvigny, to Lady Russell, dated Paris, $\frac{1}{2}$ July, 1683, in which he says: — “J’ai une grande impatience, ma chere niece, d’etre près de vous; il y a trois jours que le Roi est arrivé; il a eu le bonté de consentir a mon voyage.” But he does not mention a word of a letter from Lewis; which is almost in itself a contradiction of the story.

The importunity of his friends, and the deep distress of a wife whom he so tenderly loved, prevailed upon Lord Russell to take another step to save his life. This was, to write petitions to the King, and to the Duke of York, offering to live abroad, and never more to meddle in the affairs of England. He left it to his friends how the petitions were to be worded. If there was some weakness in thus asking for mercy, there was nothing degrading to his honourable character. Indeed, he does not seem to have entertained any expectation of saving his life; but he did not choose to afflict his wife by the appearance of a haughty silence towards his sovereign.

The following are the petitions of the Earl of Bedford and Lord Russell, to the King, and Lord Russell’s letter to the Duke of York: —

“ To the King’s most Excellent Majesty.
“ The humble Petition of William Earl of Bedford :

“ Humbly sheweth ;

“ That could your Petitioner have been admitted into your presence, he would have laid himself at your royal feet, in behalf of his unfortunate son, himself and his distressed and disconsolate family, to implore your royal mercy ; which he never had the presumption to think could be obtained by any indirect means. But shall think himself, wife, and children, much happier to be left but with bread and water, than to lose his dear son for so foul a crime as treason against the best of Princes, for whose life he ever did, and ever shall pray more than for his own.

“ May God incline Your Majesty’s heart to the prayers of an afflicted old father, and not bring grey hairs with sorrow to my grave.

“ BEDFORD.”

“ To the King’s most Excellent Majesty.

“ The humble Petition of William Russell :

“ Most humbly sheweth ;

“ That your Petitioner does once more cast himself at Your Majesty’s feet, and implores, with all humility, your mercy and pardon, still avow-

ing that he never had the least thought against Your Majesty's life, nor any design to change the government: but humbly and sorrowfully confesses his having been present at those meetings, which he is convinced were unlawful and justly provoking to Your Majesty; but being betrayed by ignorance and inadvertence, he did not decline them as he ought to have done, for which he is truly and heartily sorry; and therefore humbly offers himself to Your Majesty to be determined to live in any part of the world which you shall appoint, and never to meddle any more in the affairs of England, but as Your Majesty shall be pleased to command him.

“ May it therefore please your Majesty, to extend your royal favour and mercy to your Petitioner, by which he will be for ever engaged to pray for Your Majesty, and to devote his life to your service. WILLIAM RUSSELL.”*

The following letter of Lord Russell to the Duke, was delivered by Lady Russell to the Duchess of York :

“ May it please Your Highness ;

“ The opposition I have appeared in to Your Highness's interest, has been such, as I have

* In the State Paper Office there is another Petition from Lord Russell to the King, but it is merely the common petition of a condemned person, and of no interest whatever.

scarce the confidence to be a petitioner to you, though in order to the saving of my life. Sir, God knows what I did, did not proceed from any personal ill-will, or animosity to Your Royal Highness; but merely because I was of opinion, that it was the best way for preserving the religion established by law: in which, if I was mistaken, yet I acted sincerely, without any ill end in it. And as for any base design against your person, I hope Your Royal Highness will be so just to me, as not to think me capable of so vile a thought. But I am now resolved, and do faithfully engage myself, that if it shall please the King to pardon me, and if Your Royal Highness will interpose in it, I will in no sort meddle any more, in the least opposition to Your Royal Highness; but will be readily determined to live in any part of the world, which His Majesty shall prescribe, and will never fail in my daily prayers, both for His Majesty's preservation and honour, and Your Royal Highness's happiness; and will wholly withdraw myself from the affairs of England, unless called by His Majesty's orders to serve him, which I shall never be wanting to do to the uttermost of my power. And if Your Royal Highness will be so gracious to me, as to move on my account, as it will be an engagement upon me, beyond what I can in reason expect, so it will make the deepest impressions on me

possible ; for no fear of death can work so much with me, as so great an obligation will for ever do upon, May it please Your Royal Highness, Your Royal Highness's most humble and most obedient servant, WILLIAM RUSSELL."

Newgate, July 16. 1683.

As he folded up this letter, which was written at the earnest solicitation of his wife, he said to Dr. Burnet, " This will be printed, and will be selling about the streets, as my submission, when I am hanged."

He was, however, by no means disposed to yield in a single article of his opinions, with the wish of saving his life. Dr. Tillotson and Dr. Burnet were in hopes, that if he could be brought to allow that resistance was unlawful, the King would grant him a pardon. With this view, they both used all their influence to persuade him to retract his well-known sentiments on the right and duty of a subject.

On the Monday, which was the first day on which Burnet saw Lord Russell after his trial, he spoke to him on this subject, and though he found him perfectly prepared and steady in his opinion, yet that opinion was so moderate, as to give Dr. Burnet hopes of prevailing with him to allow the absolute illegality of resistance. As he came away, he met Dr. Tillotson, and told him that he believed he had brought Lord Russell to

a willingness to declare himself convinced on that point. He desired Dr. Tillotson to go to Lord Halifax, and acquaint him with it, in order that his lordship might relate it to the King in such a manner, as to be the means of saving Lord Russell's life. Lord Halifax did so, and told the Dean that the King seemed to be more moved with it, than by any thing that he had said before. On the Thursday, Dr. Tillotson communicated his satisfaction and his hopes to Lord Russell; but he replied that he was not so clearly convinced as Dr. Tillotson supposed. Dr. Tillotson said he was very sorry for it, because the message had been carried to the King, that he was convinced and would declare it at his death. Lord Russell answered he was willing to be convinced, but yet could not say he absolutely was. The next morning he showed Dr. Tillotson a passage that he intended to form part of his speech, to be delivered to the sheriffs on the scaffold on these terms:

“ For my part, I cannot deny, but I have been of opinion, that a free nation like this might defend their religion and liberties, when invaded, and taken from them, though under pretence and colour of law. But some eminent and worthy divines, who have had the charity to be often with me, and whom I value and esteem to a very great degree, have offered me weighty reasons to

persuade me, that faith and patience are the proper ways for the preservation of religion; and the method of the Gospel is to suffer persecution rather than to use resistance. But if I have sinned in this, I hope God will not lay it to my charge, since he knows it was only a sin of ignorance."

Dr. Tillotson was much dissatisfied with this passage, and particularly with the coldness of the concluding paragraph. He felt that he had been the instrument of conveying a wrong impression to the King; so, not having opportunity at that time to urge the matter, he went home, and wrote a paper concerning it, which he brought to Lord Russell. This was on the Friday afternoon, the day before the execution. The paper was in the form of a letter, in the following words:—

"My Lord,

"I was heartily glad to see your Lordship this morning in that calm and devout temper at receiving the Sacrament. But peace of mind, unless it be well grounded, will avail little. And because transient discourse many times have little effect for want of time to weigh and consider it, therefore, in tender compassion of your Lordship's case, and from all the good-will that one man can bear to another, I do humbly offer

to your Lordship's deliberate thoughts, these following considerations concerning the point of resistance, if our religion and rights should be invaded, as your Lordship puts the case, concerning which I understood, by Dr. Burnet, that your Lordship had once received satisfaction, and am sorry to find a change.

“ First, that the Christian religion doth plainly forbid the resistance of authority.

“ Secondly, that though our religion be established by law, (which your Lordship argues as a difference between our case and that of the primitive Christians,) yet in the same law, which establishes our religion, it is declared, *that it is not lawful, upon any pretence whatsoever, to take up arms, &c.* Besides that, there is a particular law declaring the power of the militia to be solely in the King. And this ties the hands of subjects, though the law of nature, and the general rules of Scripture, have left us at liberty, which I believe they do not, because the government, and peace of human society, could not well subsist upon these terms.

“ Thirdly, your Lordship's opinion is contrary to the declared doctrine of all Protestant churches. And though some particular persons have thought otherwise, yet they have been contradicted herein, and condemned for it, by the

generality of the Protestants. And I beg of your Lordship to consider, how it will agree with an avowed asserting of the Protestant religion, to go contrary to the general doctrine of the Protestants.

“ My end in this is to convince your Lordship, that you are in a very great and dangerous mistake; and being so convinced, that, which before was a sin of ignorance, will appear of a much more heinous nature, as in truth it is, and call for a very particular and deep repentance; which, if your Lordship sincerely exercise upon the sight of your error, by a penitent acknowledgment of it to God and men, you will not only obtain forgiveness of God, but prevent a mighty scandal to the reformed religion.

“ I am very loth to give your Lordship any disquiet in the distress you are in, which I commiserate from my heart; but am much more concerned, that you do not leave the world in a delusion and false peace, to the hindrance of your eternal happiness.

“ I heartily pray for you, and beseech your Lordship to believe, that I am, with the greatest sincerity and compassion in the world,

“ My Lord,

“ Your Lordship's most faithful,

“ And afflicted Servant,

July 20. 1683. “ JOHN TILLOTSON.”

Lord Russell, on receiving the paper, went into an inner room, and, after staying some time, upon his return, told the Dean he had read the letter, and was willing to be convinced, but could not say he was so; and hoped God would forgive him, if he were in error. Dr. Tillotson said he hoped so too, and soon went away. Meeting Dr. Burnet as he came out, he desired him either to prevail upon Lord Russell to go farther, or to strike out the whole paragraph above cited, from his speech. He went himself to Lord Halifax, to whom he gave his letter, and expressed his regret for having engaged him to make a wrong statement to the King. Upon Dr. Burnet's entering upon the subject, Lord Russell answered, that he could not tell a lie; and if he went farther, he must needs lie. He said, he had not leisure then to study politics. The notion he had of laws, and of the English government, was different from theirs; yet, he said, so far did he submit to them, and to the reasons they had offered him, that he was willing to go so far as he had done, but could not go further without being disingenuous. When Dr. Burnet proposed striking out the whole paragraph, he was very well satisfied to do so, and said his chief reason for putting it in, was to prevent any inconvenience that might come to Tillotson and him. But he often said, that, whatever his

opinion might be, in cases of extremity, he was against these ways, and ever thought a parliamentary cure was the proper remedy for all the distempers of the nation; and protested that he, and a few more, had taken much pains to moderate people's heats for three years together, and had ever persuaded their friends to be quiet, and wait for a parliament. *

It will not now be denied, that the opinion which Lord Russell entertained of the duty of a subject, was more correct than that of the two worthy and respectable clergymen who attended him, and his asserting that opinion at a moment so solemn, when a different conduct might perhaps have saved his life, ought to make his memory dear to every friend of freedom.

* Birch's Life of Tillotson. — Burnet's Journal.

CHAP. XVII.

THE LAST WEEK OF LORD RUSSELL'S LIFE. — HIS EXECUTION.

WE have now to detail the last, but not the least glorious circumstances of Lord Russell's life. During the week which elapsed between his condemnation and his execution, he had full opportunity to exercise the most remarkable virtues of his character, — patience, fortitude, affection to his family, love of his country, piety to his God. Perhaps there never was a period in the life of any man, in which so much resignation at the prospect of approaching death was combined with such a zealous consideration of every circumstance which might affect the happiness of mankind. From his first coming to the Tower, he had considered that the sheriff would take care to return such a jury as would condemn him, if the King's counsel should bid them. He had also reflected, that it was probable there might be such a noise at his execution, that he would not be able to say much. So he employed his leisure in framing a paper, to leave behind him, which should contain a large avowal

of his sentiments, principles, and conduct. This occupation took up all the hours he was alone, and even induced him to forego, several times, the society of his wife. He discussed the heads of this paper with Dr. Burnet, and afterwards wrote them out fully, with a critical exactness in the choice of every word. Dr. Burnet, who was much with him, has also drawn up a very copious journal of his conversation.

Of his own death, he spoke with calmness and deliberate resignation. He often said that he had passed over the best part of his life, for he had lived two parts in three; and he could not think that the remaining third would have been as comfortable as the two former had been. He told his wife, that he was so willing to leave the world, he was even willing to leave her. Yet, upon receiving a letter from her, when he first went to the Tower, concealed in a cold chicken, he had said that he was at that moment above all earthly things; above Lieutenant, Constable, King, or Duke.*

When alone with Dr. Burnet, he spoke with the greatest seriousness. He said, that, as for death, he thanked God that, as a man, he never was afraid of it; and did not consider it with so much apprehension as the drawing of a tooth.

* Woburn MSS.

But he said he found the courage of a man that could venture, in the heat of blood, was very different from the courage of a dying Christian, and dying in cold blood. That must come from an inward peace of conscience, and assurance of the mercy of God; and he had that to such a degree, that though, from the first day of his imprisonment, he reckoned he was a dead man, it had never given him any sort of trouble. He added, that God knew the trouble he had been in some weeks before, when his son was ill, had gone nearer his heart, and taken more of his rest from him, than his present condition had done; and that he had had a cholic a little while before, which had so oppressed his spirits, that he saw how little a man could do, if he came to die in such a manner: whereas he had now all his thoughts perfectly about him, and had no other apprehensions of death than being a little gazed at by his friends and enemies, and a moment's pain. Though he had been guilty of many defects and failings (amongst which he reckoned the seldom receiving the sacrament), yet, he thanked God he had a clear conscience, not only in relation to the public, (in which he had gone so sincerely that he was sure he had nothing to answer for but sins of ignorance, and some indecent discourses, in which he had been generally more guilty by hearing them, and be-

ing pleased with them, than by much speaking,) but in relation to all his other concerns. He had spent much, but it was in no ill way. He could never limit his bounty to his condition; and all the thoughts he had of the great estate that was to descend upon him, was to do more good with it; for he had resolved not to live much above the pitch he was then at. He thanked God, that now, for these many years, he had made great conscience of all he did, so that the sins of omission were the chief things he had to answer for. God knew the sincerity of his heart, that he could not go into a thing he thought ill, nor could he tell a lie.

He asked Dr. Burnet if the scorn he had of some ill men, particularly the Lord Howard, was inconsistent with a perfect forgiveness. He said, he heartily prayed God to touch his heart; and was sure, that, if it was in his power, he would do him no hurt but good; but he could not forbear thinking very ill of him, and despising him. Dr. Burnet satisfied him on this head, by showing him, from the fifteenth Psalm, that a part of the character of one that shall dwell in God's holy hill, is he in whose eyes a vile person is despised.

Rumsey and Lord Howard were two men of whom he always had a secret horror. Sheppard he thought better of, till he was told he had be-

trayed Walcot. Then, he said, he wondered not he had sworn falsely of him ; but till then he thought he had forgot himself. He spoke of all who had appeared against him with great pity, but with no resentment. He spoke particularly of Lord Howard, and said, he had been well enough known before, but was now so much better, that he could betray nobody any more. Lord Essex had forced him to admit Lord Howard to a meeting at his house : for when he saw Lord Howard, Sydney, and Hampden coming in, he said to Lord Essex, “ What have we to do with this rogue ? ” but Lord Essex forced him to stay : having that mistrust, however, he said very little. At another time, Lord Russell, after mentioning his suspicions of Lord Howard, said to Lord Essex, “ If you should betray me, every body would blame you, and not me ; but if Lord Howard should betray us, every body would blame us as much as him. ” Lord Russell told Dr. Burnet many particulars, in which Lord Howard had sworn falsely against him, but which Burnet, unfortunately, omits to mention. He said he could not complain of Pemberton for any thing but this, — that, in summing up the evidence, he had taken no notice of the witnesses he had brought, to show that no credit was due to Lord Howard.

He felt no difficulty in writing a letter to the

King; for, he said, though he never did any thing he thought contrary to his interest, yet many railleries, and other indecent things, had passed, for which he prayed God to forgive him, and resolved to ask the King's pardon: and he said, he thought he must likewise let the King know that he forgave him; and for this purpose he hit on the expression, "I forgive all concerned in my death, from the highest to the lowest." He was very careful to say nothing which might appear offensive. He would not say to the King, he had been devoted to his true interest and service; for, he said, the King will say I declined to serve him when I left the council. Nor would he subscribe himself a loyal subject; for, he said, that would not look well in a man attainted of treason, and would seem an impeachment of the sentence. The letter, when finished, was as follows:—

"May it please Your Majesty;

"Since this is not to be delivered till after my death, I hope Your Majesty will forgive the presumption of an attainted man's writing to you. My chief business is, humbly to ask your pardon, for any thing that I have either said, or done, that might look like want of respect to Your Majesty, or duty to your government. In

which, though I do to the last moment acquit myself of all designs against your person, or of altering of the government, and protest I know of no design, now on foot, against either ; yet I do not deny but I have heard many things, and said some things contrary to my duty ; for which, as I have asked God's pardon, so I humbly beg Your Majesty's. And I take the liberty to add, that though I have met with hard measure, yet I forgive all concerned in it from the highest to the lowest ; and I pray God to bless both your person and government, and that the public peace, and the true Protestant religion, may be preserved under you. And I crave leave to end my days with this sincere protestation, that my heart was ever devoted to that which I thought was your true interest ; in which, if I was mistaken, I hope your displeasure against me will end with my life, and that no part of it shall fall on my wife and children ; which is the last petition will ever be offered you from, May it please Your Majesty, Your Majesty's most faithful, most dutiful, and most obedient subject, W. RUSSELL."

" Newgate, July 19. 1683."

A copy of this letter in the Woburn papers, is thus endorsed : — " A copy of my Lord's letter to the King, to be delivered after his death, — and was so, by his uncle, Colonel Russell."

It appears by the following note of Dr. Burnet, that a copy was sent to the King before Lord Russell's death, with the hope of inclining him to mercy. Yet so strangely are things misrepresented, that one writer * blames Burnet for having a copy of Lord Russell's letter sent to the King after his death, instead of the original; and another † is still more severe on Lord Russell, for going out of the world with an insult to his sovereign.

Dr. Burnet to Lady Russell.

Endorsed by Lady Russell: — “Dr. Burnet to me, upon a note I sent to him, for my Lord's leave to show his letter to the King.”

“Madam,

“My lord is in so wonderful a temper, that I dare not attempt diverting him from those thoughts with which he is so full. But I will presume to offer my advice, that you shall send your copy of his letter to the King. You may say you dare not send the original, because it were the transgressing his orders; but by the copy, that is more in your power, the King will see what it is; and if it has no effect, upon

* Dalrymple.

† See article RUSSELL, in the Biographia Britannica.

sending back your copy, you will send the original. I think you may do this; and it is the last thing.

“ I am,

“ Your faithfulest servant,

“ G. BURNET.”

Lord Cavendish having sent him a proposition, by Sir James Forbes, to change clothes with him and remain in prison, whilst he made his escape, he, in a smiling way, sent his thanks to him, but said he would make no escape. He probably thought that flight would look like a confession of guilt, and might prejudice his associates, and injure the great cause to which his whole life had been devoted. He said he was very glad he had not fled, for he could not have lived from his children, and wife, and friends: that was all the happiness he saw in life. He was glad that some (probably alluding to Lord Grey) who had not lived so as to be fit to die, had escaped. Of Lord Essex, he said, he was the worthiest, the justest, the sincerest, and the most concerned for the public of any man he ever knew. He ascribed his last fatal act, in great part, to Lord Essex's regret for having introduced Lord Howard to him.

When he spoke of his wife, the tears would sometimes come into his eyes, and he would

suddenly change the discourse. Once, he said he wished she would give over beating every bush for his preservation: but when he considered that it would be some mitigation of her sorrow afterwards, to reflect she had left nothing undone, he acquiesced. He expressed great joy in the magnanimity of spirit he saw in her, and said, the parting with her was the greatest thing he had to do; for he was afraid she would hardly be able to bear it. The concern about preserving him filled her mind at the time; but when that should be over, he feared the quickness of her spirit would act too powerfully within her. In general, he kept up his cheerfulness undiminished. One of the sheriffs was Rich, who, though he had now changed sides, had formerly voted for the Exclusion Bill in the House of Commons. When he came, with the other sheriff, with the warrant for the execution, Lord Russell told Burnet, that it was not decent to be merry with such a matter, otherwise he had been near telling Rich that they should never sit together again, to vote for the Exclusion Bill.* And a Mrs. Tressam having come to see him, after the trial, he said to her, "Mrs.

* Dalrymple says, "recollecting that Rich might feel pain from the innocent pleasantries, he checked himself."

Tressam, you always find me out in a new place."

In such discourse Lord Russell spent his time, till the day previous to his execution. At the hours of meals he talked of the news of the day, and the politics of Europe, in the style he had usually done. But Friday being the day he had fixed for receiving the sacrament, he determined to pass the day as he would have done the Sunday, had he lived so long. The sacrament was given him early in the morning (his servant receiving it with him) by the Dean of Canterbury (Tillotson). After he had received it, the Dean asked him if he believed all the articles of the Christian religion, as taught by the church of England. He answered, "Yes, truly." Then he asked him if he forgave all persons. That, he said, he did from his heart. Then the Dean told him, he hoped he would discharge his conscience in full and free confession. He said that he had done it. Upon which the Dean left him; and Dr. Burnet, in the course of the morning, preached two sermons to him. In the interval he told him, he could not pretend to such high joys and longings as Dr. B. had spoken of, but on an entire resignation of himself to the will of God, and a perfect serenity of mind. He said he was sometimes troubled because he had not those

longings which were felt by Mr. Hampden, a friend for whom he had great kindness and esteem. Mr. Hampden had, a few days before, given him, from Mr. Baxter, his book of Dying Thoughts, then lately published, from which he derived great comfort. He said he was much concerned at the cloud which seemed to be over his country; but he hoped his death would do more service than his life could have done. After dinner, he signed the copies of his paper, and desired it might be sent to the press. He then received a few of his friends, and took his last leave of his children. On this occasion, the fondness of a father did not prevent him from maintaining the constancy of his temper. A little before he went to eat his supper, he said to Lady Russell, "Stay and sup with me; let us eat our last earthly food together." He talked very cheerfully during supper on various subjects, and particularly of his two daughters. He mentioned several passages of dying men with great freedom of spirit; and when a note was sent to his wife, containing a new project for his preservation, he turned it into ridicule, in such a manner, that those who were with him, and were not themselves able to contain their griefs, were amazed. They could not conceive how his heart, naturally so tender, could resist the impression of their sorrow. In the day-time he

had bled at the nose, on which he said, "I shall not now let blood to divert this: that will be done to-morrow." And when it rained hard that night, he said, "Such a rain to-morrow will spoil a great show, which is a dull thing on a rainy day."

Before his wife left him, he took her by the hand, and said, "This flesh you now feel, in a few hours, must be cold." At ten o'clock she left him. He kissed her four or five times; and she so governed her sorrow, as not to add, by the sight of her distress, to the pain of separation. Thus they parted; not with sobs and tears, but with a composed silence; the wife wishing to spare the feelings of the husband, and the husband of the wife, they both restrained the expression of a grief too great to be relieved by utterance.

When she was gone, he said, "Now the bitterness of death is past." And he then ran out into a long discourse concerning her, saying, how great a blessing she had been to him, and what a misery it would have been to him, if she had not had that magnanimity of spirit, joined to her tenderness, as never to have desired him to do a base thing to save his life. Whereas, what a week he should have passed, if she had been crying on him to turn informer, and to be a Lord Howard! He then repeated to Dr. Bur-

net, what he had often before said, that he knew of nothing whereby the peace of the nation was in danger; and that all that ever was, was either loose discourse, or, at most, embryos that never came to any thing; so there was nothing on foot, to his knowledge. He then returned to speak of his wife. He said there was a signal providence of God in giving him such a wife, where there was birth, fortune, great understanding, great religion, and great kindness to him: but her carriage in his extremity was beyond all. He said that he was glad that she and his children were to lose nothing by his death; and it was great comfort to him that he left his children in such a mother's hands, and that she had promised him to take care of herself for their sakes. Then he spoke of his own situation, and said, how great a change death made, and how wonderfully those new scenes would strike on a soul. He had heard how some that had been born blind, were struck, when, by the couching of their cataracts, they saw; but what, he said, if the first thing they saw were the sun rising?

His servant requested he might sit up in his chamber while he slept. This he refused, and was locked up between eleven and twelve, leaving orders to be called at four. When his servant came at that hour, he found him as sound

asleep as at any time in his life. As he awoke, he asked what o'clock it was; but whilst his servant was preparing his things for him to dress, he fell asleep again. Dr. Burnet coming in woke him, saying, "What, my Lord! asleep?" — "Yes, Doctor," he said, "I have slept heartily since one o'clock." He then desired him to go to his wife, to say that he was well, and had slept well, and hoped she had done so. He remembered himself kindly to her, and prayed for her. He dressed himself with the same care as usual; and said he thanked God he felt no sort of fear or hurry in his thoughts. He prayed several times with Dr. Burnet, and afterwards with Dean Tillotson; and, at intervals, went into his chamber, and prayed by himself. Once he came out, and said he had been much inspired in his last prayer, and wished he could have written it down and sent it to his wife. He gave Dr. Burnet several commissions to his relations; but none more earnest than to one of them, against all revenge for what had been done to himself: he told Burnet he was to give him his watch; and as he wound it up, he said, "I have done with time: now eternity comes."

About half an hour before he was called on by the sheriffs, he took Dr. Burnet aside, and said that he meant to say something of the

dangers of Slavery as well as Popery ; but on Dr. Burnet's telling him it would look like resentment, and begging him to let it alone, he smiled, and said he would do so.

As he came down, he met Lord Cavendish, and took leave of him ; but remembering something of importance, he went back to him, and spoke to him with great earnestness. He pressed him anxiously to apply himself more to religion ; and told him what great comfort and support he felt from it now in his extremity. Such was his last advice and farewell to his dearest friend. He went into his coach with great cheerfulness. Dr. Tillotson and Dr. Burnet accompanied him. As they were going, he looked about him, and knew several persons. Some he saw staring on him, who knew him, and did not put off their hats. He said, there was great joy in some, but that did not touch him so much as the tears he observed in the eyes of others ; for that, he said, made him tender. He sung within himself as he went along ; and Dr. Burnet asking him what he was singing, he said it was the 119th psalm ; but he should sing better very soon. As the carriage turned into Little Queen Street, he said, " I have often turned to the other hand with great comfort, but now I turn to this with greater." As he said this, he looked to-

wards his own house, and Dr. Tillotson saw a tear drop from his eye.

Just as they were entering Lincoln's Inn Fields, he said, "This has been to me a place of sinning, and God now makes it the place of my punishment." He wondered to see so great a crowd assembled. He had before observed, that it rained, and said to his companions, "This rain may do you hurt that are bare-headed."

After all was quiet, he spoke to the sheriff as follows :

"Gentlemen *,

"I expected the noise would be such, that I should not be very well heard. I was never fond of much speaking, much less now ; therefore I have set down in this paper all that I think fit to leave behind me. God knows how far I was always from designs against the King's person, or of altering the government. And I still pray for the preservation of both, and of the Protestant religion. Mr. Sheriff, I am told, that Captain Walcot yesterday said some things

* The night before he died, he thought of the short speech he was to make on the scaffold. Instead of beginning, "Mr. Sheriff," he resolved to begin, "Gentlemen;" because, he said, he was not truly sheriff. He accordingly did so ; but he did not think it worth while to make the same alteration in the paper that was to be printed. — *Burnet, MSS.*

concerning my knowledge of the plot: I know not whether the report is true or not."

Mr. Sheriff. "I did not hear him name your Lordship."

Writer. "No, my Lord, your Lordship was not named by any of them."

Lord Russell. "I hope it is not true; for, to my knowledge, I never saw him, nor spake with him, in my whole life: and, in the words of a dying man, I profess I know of no plot, either against the King's life or the government. But I have now done with this world, and am going to a better: I forgive all the world heartily, and I thank God I die in charity with all men; and I wish all sincere Protestants may love one another, and not make way for Popery by their animosities. I pray God forgive them, and continue the Protestant religion amongst them, that it may flourish so long as the sun and moon endure. I am now more satisfied to die than ever I have been."

Then he desired the Dean to pray. After that he spoke a word to the Dean, and gave him his ring, and gave Dr. Burnet his watch, and bid him go to Southampton-House, and to Bedford-House, and deliver the commissions he had given him in charge. In these his last moments, one of his commissions was a message of kind remembrance to one who held the principles

opposition to which he was about to sacrifice his life. This was Mr. Kettlewell, a clergyman, who, for his religious zeal, had been introduced as chaplain into the Earl of Bedford's family, but who held, to their farthest extent, the doctrines of unlimited obedience, and the illegality of resistance under any pretence whatsoever. And he lost no opportunity of explaining and defending these opinions to Lord Russell. "But," says his biographer, "although this unfortunate Lord had no very favourable opinion of the English clergy in general, as thinking them, for the most part, a set of men too much bigotted to slavish principles, and not zealous enough for the Protestant religion, or the common interest of a free nation; yet it is worthy of observation, that the meek and Christian behaviour of Mr. Kettlewell would not suffer him not to have an esteem for him, which he failed not to express, even in his last moments, by sending a message to him from the scaffold, of his kind remembrance of him." *

He then knelt down and prayed three or four minutes by himself. When that was done, he took off his coat and waistcoat. He had brought a night-cap in his pocket, fearing his servant might not get up to him. He undressed himself,

* Memoirs of Mr. John Kettlewell, p. 59.

and took off his cravat, without the least change of countenance. Just as he was going down to the block, some one called out to make a lane, that the Duke of Albemarle might see; upon which he looked full that way. Dr. Burnet had advised him not to turn about his head when it was once on the block, and not to give a signal to the executioner. These directions he punctually attended to.

“ When he had lain down,” says Dr. Burnet, “ I once looked at him, and saw no change in his looks; and though he was still lifting up his hands, there was no trembling, though in the moment in which I looked the executioner happened to be laying his axe to his neck, to direct him to take aim; I thought it touched him, but am sure he seemed not to mind it.”

The executioner, at two strokes, cut off his head. *

* The greater part of this account is taken from Dr. Burnet's Journal, published in the General Dictionary, art. Russell, and in MSS. at Woburn. Other particulars are taken from notes in Lady Russell's and Dr. Burnet's hand-writing, also at Woburn. I have always preserved, as near as possible, the form of expression used in the original. For Dr. Burnet's Journal, see Appendix, where it is given at length.

CHAP. XVIII.

CHARACTER OF LORD RUSSELL.—SPEECH DELIVERED TO
THE SHERIFFS.—LADY RUSSELL.—VISIT OF DYCK-
VELT.—PATENT OF THE DUKE OF BEDFORD.—CHA-
RACTER OF LADY RUSSELL.

THUS died William Lord Russell, on the 21st of July, 1683, in the 44th year of his age. Few men have deserved better of their country. Though not remarkable for very brilliant talents, he was a man of solid judgment; and was never led astray, by any curious sophistry, to confound the perceptions of right and wrong; to mistake slavery for duty; or to yield to power the homage which is due to virtue. He was a warm friend, not to liberty merely, but to English liberty; a decided enemy, not only to regal encroachment, but to turbulent innovation. He was a good son, a good husband, a good father, and, like some others whom our own days have seen, united mildness of domestic affection with severity of public principle. His integrity was so conspicuous, as to gain him that ascendant over the minds of men, which is generally reserved for genius. And, although

Englishmen have not much reason to be proud of the reign of Charles the Second, they cannot fail to recognize the sound morality of their countrymen, in the respect and confidence which accompanied an honest man contending against the general corruption, even when surrounded and opposed by statesmen of conspicuous ability. It is gratifying to find that, even in the scale of popularity, eloquence and wit are outweighed by sense and integrity.

It must be owned, that few politicians have been so little swayed by interest as Lord Russell. Even Sprat, who wrote under the eye of James, for the purpose of defaming those who died for the Rye-House Plot, only attributes to him a too great love of popularity, and an idle fear of losing his abbey lands. And, after the Revolution, he eagerly retracted what he had said of the last speech of Lord Russell; declaring himself convinced of "that noble gentleman's great probity and constant abhorrence of falsehood." Evelyn, who was as likely as any man to speak the opinion of his time, says, "Every one deplored Essex and Russell, especially the last, as being thought to have been drawn in on pretence only of endeavouring to rescue the King from his present counsellors, and secure religion from Popery, and the nation from arbitrary government, now so much apprehended."

The political opinions of Lord Russell were those of a Whig. His religious creed was that of a mild and tolerant Christian. If, as it must be admitted, he showed a violent animosity to the Roman Catholics, to an extent which cannot be justified, it must be recollected, that his hostility was almost entirely political. The attack which was made upon our constitution appeared in the colours and with the ensigns of Popery; and it was only by resisting the Romish Church, that civil liberty could be secured. He wished our own institutions to be more favourable to dissenters; or, in other words, for a larger comprehension of sects. Had this wish been gratified, the Protestant Church of England would have been strengthened, both against the See of Rome, and against future schism, with the loss only of some slavish doctrines, and a few unimportant ceremonies, which our early reformers never adopted.

It must be owned that the violence of Lord Russell against the Roman Catholics betrayed him into credulity. It was the fault of honest men in that age; and it is singular that, absurd as the story of the Popish plot avowedly is, we have more respect for those who fell into the delusion, than for those who escaped it. But whatever blame may attach to Lord Russell for an excess of political and religious zeal, it cannot be

denied that his firmness and perseverance were eminently useful to his country, in a most critical period of her fortunes, and that his example contributed to the establishment of those liberties which he died to vindicate.

The following paper was delivered by Lord Russell to the Sheriffs :

“ I thank God I find myself so composed and prepared for death, and my thoughts so fixed on another world, that I hope in God I am quiet from setting my heart on this ; yet I cannot forbear now the setting down in writing a further account of my condition, to be left behind me, than I will venture to say at the place of execution, in the noise and clutter that is like to be there. I bless God heartily for those many blessings which He in his infinite mercy hath bestowed upon me through the whole course of my life ; that I was born of worthy and good parents, and had the advantage of a religious education, which are invaluable blessings ; for even when I minded it least, it still hung about me and gave me checks ; and has now for many years so influenced and possessed me, that I feel the happy effects of it in this my extremity, in which I have been so wonderfully (I thank God) supported, that neither my imprisonment, nor fear of death, have been able to discompose me in any degree ; but, on the contrary, I have found

the assurances of the love and mercy of God, in and through my blessed Redeemer, in whom only I trust; and I do not question but I am going to partake of that fulness of joy which is in his presence. These hopes, therefore, do so wonderfully delight me, that I think this is the happiest time of my life, though others may look upon it as the saddest.

“ I have lived, and now am of the reformed religion, a true and sincere *Protestant*, and in the communion of the Church of *England*; though I could never yet comply with, or rise up to all the heights of many people. I wish with all my soul all our differences were removed; and that all sincere Protestants would so far consider the danger of Popery, as to lay aside their heats, and agree against the common enemy; and that the Churchmen would be less severe, and the Dissenters less scrupulous; for I think bitterness and persecution are at all times bad, but much more now.

“ For *Popery*, I look on it as an idolatrous and bloody religion; and therefore thought myself bound, in my station, to do all I could against it; and, by that, I foresaw I should procure such great enemies to myself, and so powerful ones, that I have been now for some time expecting the worst; and, blessed be God! I fall by the axe, and not by the fiery

trial! yet, whatever apprehensions I had of Popery, and of my own severe and heavy share I was like to have under it, when it should prevail, I never had a thought of doing any thing against it basely or inhumanely, but what would consist with the Christian religion, and the laws and liberties of this kingdom. And, I thank God, I have examined all my actions in that matter with so great care, that I can appeal to God Almighty, who knows my heart, that I went on sincerely, without being moved either by passion, by-ends, or ill designs. I have always loved my country much more than my life, and never had any design of changing the government, which I value, and look upon as one of the best governments in the world, and would always have been ready to venture my life for the preserving it; and would suffer any extremity, rather than have consented to any design of taking away the King's life; neither had any man the impudence to propose so base and barbarous a thing to me; and I look upon it as a very unhappy and uneasy part of my present condition, that there should be so much as mention made of so vile a fact, though nothing in the least was said to prove any such matter, but the contrary, by my Lord Howard; neither does any body, I am confident, believe the least of it; so that I need not, I think, say more.

“ For the King, I do sincerely pray for him, and wish well to him and the nation, that they may be happy in one another ; that he may be indeed, the Defender of the Faith ; that the Protestant religion, and the peace and safety of the kingdom may be preserved, and flourish under his government ; and that himself, in his person, may be happy both here and hereafter.

“ As for the share I had in the prosecution of the Popish plot, I take God to witness, that I proceeded in it in the sincerity of my heart, being then really convinced (as I am still) that there was a conspiracy against the King, the nation, and the Protestant religion ; and I likewise profess, that I never knew any thing, directly or indirectly, of any practices with the witnesses, which I look upon as so horrid a thing, that I never could have endured it ; for, thank God, falsehood and cruelty were never in my nature, but always the farthest from it imaginable. I did believe, and do still, that Popery is breaking in upon this nation, and that those that advance it will stop at nothing to carry on their design. I am heartily sorry that so many Protestants give their helping hand to it ; but I hope God will preserve the Protestant religion, and this nation, though I am afraid it will fall under very great trials, and very sharp sufferings ; and, indeed, the impiety and profane-

ness that abounds, and appears so scandalously bare-faced every where, gives too just occasion to fear the worst thing that can befall a people. I pray God prevent it, and give those who have showed a concern for the public good, and have appeared hearty for the true interest of the nation, and the Protestant religion, grace to live so, that they may not cast a reproach on that which they endeavoured to advance, which (God knows) has often given me sad thoughts; and I hope such of my friends as may think they are touched by this, will not take what I say in ill part, but will endeavour to amend their ways, and live suitable to the rules of the true reformed religion, which is the only thing that can administer true comfort at the latter end, and relieve a man when he comes to die.

“ As for my present condition, I bless God I have no repining in my heart at it. I know, for my sins, I have deserved much worse at the hands of God; so that I cheerfully submit to so small a punishment as the being taken off a few years sooner, and the being made a spectacle to the world. I do freely forgive all the world, particularly those concerned in taking away my life; and I desire and conjure all my friends to think of no revenge, but to submit to the holy will of God, into whose hands I resign myself entirely.

“ But to look back a little : I cannot but give some touch about the *Bill of Exclusion*, and show the reason of my appearing in that business, which, in short, is this, — that I thought the nation in such danger of *Popery*, and that the expectations of a *Popish successor* (as I have said in Parliament) put the King’s life likewise in much danger, that I saw no way so effectual to secure both, as such a bill. As to the limitations that were proposed, if they were sincerely offered, and had passed into a law, the Duke then should have been excluded from the power of a King, and the government quite altered, and little more than the name of a King left ; so I could not see either sin or fault in the one, when all the people were willing to admit of the other ; but thought it better to have a King with his prerogative, and the nation easy and safe under him, than a King without it, which would breed perpetual jealousies and a continual struggle. All this I say only to justify myself, not to inflame others, though I cannot but think my earnestness in that matter has had no small influence in my present sufferings. But I have now done with this world, and am going to a kingdom which cannot be moved.

“ And as to the *conspiring to seize the guards* which is the crime for which I am condemned, and which is made a constructive treason, for

taking away the King's life, to bring it within the statute of Edward. III., I shall give this true and clear account:—I never was at Mr. Sheppard's with that company but once, and there was no undertaking then of securing or seizing the guards, nor any appointed to view or examine them. Some discourse there was of the feasibility of it; and several times, by accident, in general discourse elsewhere, I have heard it mentioned as a thing might easily be done, but never consented to as a thing fit to be done. And I remember particularly, at my Lord Shaftesbury's, there being some general discourse of this kind, I immediately flew out and exclaimed against it; and asked, if the thing succeeded, what must be done next, but mastering the guards, and killing them in cold blood? which I looked upon as a detestable thing, and so like a popish practice, that I could not but abhor it. And at the same time the Duke of Monmouth took me by the hand, and told me very kindly, “My lord, *I see you and I are of a temper; did you ever hear so horrid a thing?*” And I must needs do him justice to declare, that I ever observed in him an abhorrence of all base things.

“As to my going to Mr. Sheppard's, I went with an intention to taste sherry; for he had promised to reserve for me the next very good piece he met with when I went out of town;

and if he recollects himself, he may remember I asked him about it, and he went and fetched a bottle; but when I tasted it, I said it was hot in the mouth, and desired, that whenever he met with a choice piece, he would keep it for me, which he promised. I enlarge the more upon this, because Sir George Jeffreys insinuated to the jury, as if I had made a story about going thither; but I never said that was the only reason. I will now truly and plainly add the rest.

“ I was, the day before this meeting, come to town for two or three days, as I had done once or twice before, having a very near and dear relation lying in a languishing and desperate condition; and the Duke of Monmouth came to me, and told me, *he was extremely glad I was come to town, for my Lord Shaftesbury, and some hot men, would undo us all. How so, my lord?* (I said) — *Why* (answered he) *they will certainly do some disorderly thing or other, if great care be not taken; and therefore, for God's sake, use your endeavour with your friends to prevent any thing of this kind,* He told me that there would be company at Mr. Sheppard's that night, and desired me to be at home in the evening, and he would call on me; which he did. And when I came into the room, I saw Mr. Rumsey by the chimney, though he swears he came in after-

wards ; and there were things said by some, with much more heat than judgment, which I did sufficiently disapprove : and yet for these things I stand condemned ; but, I thank God, my part was sincere and well meant. It is, I know, inferred from hence, and pressed to me, that I was acquainted with these heats and ill designs, and did not discover them. But this could be but *misprision* of treason, at most ; so I die innocent of the crime I stand condemned for. I hope no body will imagine that so mean a thought should enter into me, as to go about to save myself by accusing others : the part that some have acted lately of that kind, has not been such as to invite me to love life at such a rate.

“ As for the sentence of death passed upon me, I cannot but think it a very hard one ; for nothing was sworn against me (whether true or false I will not now examine), but some discourses about making some stirs ; and this is not levying war against the King, which is treason by the statute of Edward III., not the consulting and discoursing about it, which was all that is witnessed against me ; but, by a strange fetch, the design of seizing the guards was construed a design of killing the King ; and so I was in that cast.

“ And now I have truly and sincerely told what my part was in that which cannot be more

than a bare *misprision*; and yet I am condemned as guilty of a design of killing the King. I pray God lay not this to the charge neither of the King, council, nor judges, nor sheriffs, nor jury; and for the witnesses, I pity them, and wish them well. I shall not reckon up the particulars wherein they did me wrong; I had rather their own consciences would do that; to which and the mercies of God, I leave them; only I shall aver, that what I said of my not hearing Colonel Rumsey deliver any message from my Lord Shaftesbury was true; for I always detested lying, though never so much to my advantage. I hope none will be so unjust and uncharitable, as to think I would venture on it in these my last words, for which I am soon to give an account to the great God, the searcher of hearts and judge of all things.

“ From the time of choosing sheriffs, I concluded the heat in that matter would produce something of this kind; and I am not much surprised to find it fall upon me; and I wish what is done to me may put a stop, and satiate some people’s revenge, and that no more innocent blood be shed; for I must, and do still look upon mine to be such, since I know I was guilty of no treason; and therefore would not betray my innocency by flight, (though much pressed to it,) of which I do not, I thank God, yet repent,

how fatal soever it may have seemed to have proved to me ; for I looked upon my death in this manner (I thank God) with other eyes than the world does. I know I said but little at the trial, and I suppose it looks more like innocence than guilt. I was also advised not to confess matter of fact plainly, since that certainly must have brought me within the guilt of misprision ; and being thus restrained from dealing frankly and openly, I chose rather to say little, than to depart from that ingenuity that, by the grace of God, I had carried along with me in the former part of my life ; and so could easier be silent, and leave the whole matter to the consciences of the jury, than to make the last and solemnest part of my life so different from the course of it, as the using little tricks and evasions must have been : nor did I ever pretend to any great readiness in speaking. I wish those gentlemen of the law, who have it, would make more conscience in the use of it, and not run men down, and, by strains and fetches, impose on easy and willing juries, to the ruin of innocent men : for, to kill by forms and subtilties of the law, is the worst sort of murder. But I wish the rage of hot men, and the partiality of juries, may be stopped with my blood, which I would offer up with so much the more

joy, if I thought I should be the last that were to suffer in such a way.

“ Since my sentence, I have had few thoughts, but preparatory ones for death ; yet the importunity of my friends, and particularly the best and dearest wife in the world, prevailed with me to sign petitions, and make an address for my life, to which I was ever averse ; for (I thank God) though in all respects I have lived the happiest and contentedest man in the world, (for now very near fourteen years,) yet I am so willing to leave all, that it was not without difficulty that I did any thing for the saving of my life, that was begging ; but I was willing to let my friends see what power they had over me, and that I was not obstinate nor sullen, but would do any thing that an honest man could do for their satisfaction ; which was the only motive that swayed or had any weight with me.

“ And now, to sum up all, as I had not any design against the King’s life, or the life of any man whatsoever, so I never was in any contrivance of altering the government. What the heats, passions, and vanities of other men have occasioned, I ought not be responsible for, nor could I help them, though I now suffer for them. But the will of the Lord be done, into whose hands I commend my spirit ! and trust

that ‘Thou, O most merciful Father, hast for-
‘ given all my transgressions, the sins of my
‘ youth, and all the errors of my past life, and
‘ that thou wilt not lay my secret sins and igno-
‘ rances to my charge, but wilt graciously
‘ support me, during that small time of life now
‘ before me, and assist me in my last moments,
‘ and not leave me then to be disordered by
‘ fear, or any other temptations, but make
‘ the light of thy countenance to shine upon
‘ me: Thou art my sun and my shield, and as
‘ thou supportest me by thy grace, so I hope
‘ thou wilt hereafter crown me with glory, and
‘ receive me into the fellowship of angels and
‘ saints, in that blessed inheritance purchased
‘ for me by my most merciful Redeemer, who
‘ is, I trust, at thy right hand, preparing a place
‘ for me, and is ready to receive me; into whose
‘ hands I commend my spirit!’ ”

This paper was so soon printed, that it was selling about the streets an hour after Lord Russell's death. The court were much provoked at this circumstance, and sent for Tillotson and Burnet, to appear before the cabinet council. Tillotson was soon dismissed; but Burnet, who was suspected of writing the paper, underwent a long examination. He told the King he had kept notes of all that Lord Russell had done or said during his attendance upon him; and, on

the King's command, he read his journal to the council. The Duke of York was much incensed when he found this diary tended so much to the honour of Lord Russell; and concluded it was meant as a studied panegyric on his memory. Dr. Burnet offered to take his oath that the speech was written by Lord Russell himself, and not by him.

Lady Russell also contradicted this report, by the following letter to the King :

Endorsed by her, — “ My letter to the King a few days after my lord's death.”

“ May it please Your Majesty ;

“ I find my husband's enemies are not appeased with his blood, but still continue to misrepresent him to Your Majesty. It is a great addition to my sorrows, to hear Your Majesty is prevailed upon to believe, that the paper he delivered to the sheriff at his death was not his own. I can truly say, and am ready in the solemnest manner to attest, that [during his imprisonment *] I often heard him discourse the chiefest matters contained in that paper, in the same expressions he therein uses, as some of those few relations that were admitted to him can likewise aver. And sure it is an argument of no great force, that there is a phrase or two

* The words included in the brackets are crossed out.

in it another uses, when nothing is more common than to take up such words we like, or are accustomed to in our conversation. I beg leave further to avow to Your Majesty, that all that is set down in the paper read to Your Majesty on Sunday night, to be spoken in my presence, is exactly true, as I doubt not but the rest of the paper is, which was written at my request; and the author of it, in all his conversation with my husband, that I was privy to, showed himself a loyal subject to Your Majesty, a faithful friend to him, and a most tender and conscientious minister to his soul. I do therefore humbly beg Your Majesty would be so charitable to believe, that he who in all his life was observed to act with the greatest clearness and sincerity, would not, at the point of death, do so disingenuous and false a thing, as to deliver for his own what was not properly and expressly so. And if, after the loss, in such a manner, of the best husband in the world, I were capable of any consolation, Your Majesty only could afford it, by having better thoughts of him, which, when I was so importunate to speak with Your Majesty, I thought I had some reason to believe I should have inclined you to, not from the credit of my word, but upon the evidence of what I had to say. I hope I have writ nothing in this that will displease Your Majesty.

If I have, I humbly beg of you to consider it as coming from a woman amazed with grief; and that you will pardon the daughter of a person who served Your Majesty's father in his greatest extremities, [and Your Majesty in your greatest posts] and one that is not conscious of having ever done any thing to offend you [before.] I shall ever pray for Your Majesty's long life and happy reign.

“ Who am, with all humility,

“ May it please Your Majesty, &c.”

The two following letters give such a picture of Lady Russell's state of mind, after her lord's death, that they properly belong to this narrative. The second, relates, besides, to the favour the King showed her. *

Lady Russell to Dr. Fitzwilliam.

“ I need not tell you, good Doctor, how little capable I have been of such an exercise as this. You will soon find how unfit I am still for it, since my yet disordered thoughts can offer me no other than such words as express the deepest sorrows, and confused as my yet amazed mind is. But such men as you, and particularly one so much my friend, will, I know, bear with my weakness, and compassionate my distress, as you

* The first of these letters is from Lady Russell's published letters; the second is in MSS. at Woburn.

have already done by your good letter and excellent prayer. I endeavour to make the best use I can of both ; but I am so evil and unworthy a creature, that though I have desires, yet I have no dispositions, or worthiness, towards receiving comfort. You that knew us both, and how we lived, must allow I have just cause to bewail my loss. I know it is common with others to lose a friend ; but to have lived with such a one, it may be questioned how few can glory in the like happiness, so, consequently, lament the like loss. Who can but shrink at such a blow, till, by the mighty aids of his Holy Spirit, we will let the gift of God, which he hath put into our hearts, interpose ? That reason, which sets a measure to our souls in prosperity, will then suggest many things, which we have seen and heard, to moderate us in such sad circumstances as mine. But, alas ! my understanding is clouded, my faith weak, sense strong, and the devil busy to fill my thoughts with false notions, difficulties, and doubts, as of a future condition * of prayer : but this I hope to make matter of humiliation, not sin. Lord ! let me understand the reason of these dark and wounding providences, that I sink not under the discouragements of my own thoughts ! I know I have deserved my

* Two or three words torn off.

punishment, and will be silent under it ; but yet secretly my heart mourns, too sadly, I fear, and cannot be comforted, because I have not the dear companion and sharer of all my joys and sorrows. I want him to talk with, to walk with, to eat and sleep with ; all these things are irksome to me now ; the day unwelcome, and the night so too ; all company and meals I would avoid, if it might be ; yet all this is, that I enjoy not the world in my own way, and this, sure, hinders my comfort : when I see my children before me, I remember the pleasure he took in them ; this makes my heart shrink. Can I regret his quitting a lesser good for a bigger ? O ! if I did steadfastly believe, I could not be dejected ; for I will not injure myself to say, I offer my mind any inferior consolation to supply this loss. No ; I most willingly forsake this world — this vexatious, troublesome world, in which I have no other business but to rid my soul from sin ; secure, by faith, and a good conscience, my eternal interests ; with patience and courage bear my eminent misfortunes, and ever hereafter be above the smiles and frowns of it. And when I have done the remnant of the work appointed me on earth, then joyfully wait for the heavenly perfection in God's good time, when, by his infinite mercy, I may be accounted worthy to enter into the same place of rest and repose

where he is gone, for whom only I grieve I do *
fear. From that contemplation must
come my best support. Good Doctor, you will
think, as you have reason, that I set no bounds,
when I let myself loose to my complaints; but I
will release you, first fervently asking the conti-
nuance of your prayers for

“ Your infinitely afflicted,

“ But very faithful servant,

“ *Woburn-Abbey,*

“ R. RUSSELL.

“ *September 30. 1683.*”

Lady Russell to Colonel Russell.

Endorsed—“ Uncle Russell, October 7. 1683.”

“ Apology, dear uncle, is not necessary to you
for any thing I do, nor is my discomposed mind
fit to make any; but I want your assistance, so
I ask it freely. You may remember, Sir, that a
very few days after my great and terrible cala-
mity, the King sent me word he meant to take
no advantage of any thing was forfeited to him;
but terms of law must be observed: so now the
grant for the personal estate is done, and in my
hands, I esteem it fit to make some compliment
of acknowledgment to His Majesty. To do this
for me, is the favour I beg of you; but I have
writ the enclosed paper in such a manner, that if
you judge it fit, you may, as you see cause, show

* A word torn off.

it to the King, to let him see what thanks I desire should be made him ; but that is left to you to do as you approve. Truly, uncle, it is not without reluctance I write to you myself, since nothing that is not very sad can come from me ; and I do not love to trouble such as I am sure wish me none. I ask after your health, and when I hear you are well, it is part of the only satisfaction I can have in this wretched world, where the love and company of the friends and dearest relations of that dear and blessed person must give me all I can find in it now. It is a great change, from as much happiness as, I believe, this world can give, to know no more, — as never must,

“ Yours, &c.”

Every consolation that friendship could bestow was lavishly offered to Lady Russell, but in vain. The following testimony to her husband's worth, however, which I leave in her own words, must have been gratifying to her feelings : —

“ Thursday, the 24th March, 1686-7.

“ I received a visit from Mr. Dyckvelt, the Dutch ambassador. He spoke in French to this effect : — To condole, on the part of the Prince and Princess of Orange, my terrible misfortunes, of which they had a very feeling sense, and continued still to have so ; and as my loss was very great, so they believed my sorrow still was such :

that for my person in particular, as also my own family, and that I had married into, they had great respect and value, and should always readily take all occasions to show it: that it would be a great pleasure to them, if it would give any ease to my thoughts, to take the assurance, that if ever it should come to be in their power, there was nothing I could ask that they should not find a content in granting:

“ That, for the re-establishing of my son, what I should at any time see reason to ask, would be done in as full and ample a manner as was possible: that he did not deliver this message in a private capacity, but as a public minister. Then, again, he hugely enlarged his compliment, giving me the content to tell me the high thoughts the Prince always had, and still preserved, of my excellent lord; that His Highness had never accused his intentions, even at the time of his suffering, and had considered and lamented it as a great blow to the best interest of England, the Protestant religion: that he had frequently before heard the Prince take occasion to speak of him; and that he ever did it, as of one he had the best thoughts of one could have of a man:

“ And he said (with protestations that he did *(not)* do so with design to make an agreeable compliment to me), that he found the very same justice given to his memory here, and that so

universal, that even those who pretended no partiality to his person or actings, yet bore a reverence to his name; all allowing him that integrity, honour, courage, and zeal to his country, to the highest degree a man can be charged with, and in this age, perhaps, singular to himself; and he added, all this completed with a great piety. Words to this effect (as near as my memory can carry it) he several times repeated, and gave (as he termed it) one remarkable instance, at what rate such who were not his professed friends esteemed his loss. It was this, that, dining at Mr. Skelton's (then the King of England's resident in Holland) immediately after the news was come thither of my Lord's sufferings, &c., Mr. Dyckvelt, taking notice of what had passed, and in such a manner as was most proper for him to do, to Mr. Skelton, Mr. Skelton sat silent when he named the Lord Essex; but, that upon my Lord Russell's name, he replied upon it, 'The King has, indeed, taken the life of one man; but he has lost a thousand, or thousands by it.' Mr. Dyckvelt then added, 'This I know to be the very sense of so many, that I should not have repeated it, but for this reason, I do it because Mr. Skelton said it.'"

When William obtained possession of the throne, he amply fulfilled the promises he had so generously made. The second Act he passed

was one for reversing the attainder of Lord Russell, in the preamble of which his execution is called a murder. In 1694, he created the Earl of Bedford a Duke, and amongst the reasons for conferring this honour, it is stated, "That this was not the least, that he was the father to Lord Russell, the ornament of his age, whose great merits it was not enough to transmit by history to posterity, but they (the King and Queen) were willing to record them in their royal patent, to remain in the family as a monument consecrated to his consummate virtue, whose name could never be forgot, so long as men preserved any esteem for sanctity of manners, greatness of mind, and a love to their country, constant even to death. Therefore, to solace his excellent father for so great a loss, to celebrate the memory of so noble a son, and to excite his worthy grandson, the heir of such mighty hopes, more cheerfully to emulate and follow the example of his illustrious father, they intailed this high dignity upon the Earl and his posterity." When the bill for reversing the attainder before mentioned came down to the House of Commons, Mr. Finch endeavoured to justify the part he had taken in the trial. But this only excited the indignation of the House. It was moved by Sir Thomas Clarges, to leave out the words in the bill "it is at the request of the Earl

of Bedford and Lady Russell only," because the justice of the nation is of more importance than the wishes of any private person.

It is not within my province to pursue any farther the sorrowful years of Lady Russell. Religion afforded, to a mind like hers, the chief motive to be resigned, when nothing could give her a reason to be consoled.

Before taking leave, however, of so admirable a person, I cannot refrain from offering some remarks upon her character.

Her life may be divided into two parts: one, in which we sympathise with her happiness; the other, in which we admire her fortitude, and feel for her distress. In the first we have seen her captivate the affections of Lord Russell; and, after having become his wife, we have mentioned her as busy in collecting political intelligence for his information, as anxiously providing for his health and comfort, directing the care, and enjoying the amusements of her children; and, above all, returning thanks to the Most High for the gift of happiness, which, though extreme, she seems never to have abused. She was to her lord the chosen mistress of his heart, the affectionate companion of his life, the tender and solicitous mother of his offspring. These qualities were sufficient to stamp her character as amiable; the conduct we afterwards related

mark it as sublime. We then saw her attend her husband in prison, upon a charge of high treason, and divide her day between the soothing attention which his situation excited, and the active enquiries which his defence required. We found her, where a nobleman's wife might not, perhaps, be expected, — acting as his secretary in a court of justice, and writing, with her own hand, the notes from which he was to plead in a cause where his life was at stake. After his condemnation, we followed her in the anxious and unceasing solicitations which she made, on every side, to obtain his pardon; and, amidst her restless endeavours to save his life, we still had to admire a heart, which could lead her to abstain from even hinting to the patriot she was about to see perish on the scaffold, that his existence might be prolonged by means degrading to his spirit, or inconsistent with his honour. The life of Lady Russell, after the death of her lord, was occupied and embittered by that grief, of which she has left in her letters so affecting a memorial. Yet we are not to suppose that sorrow for her departed husband made her incapable of the duties which remained to her to perform. We find her on the occasion of the marriage of her daughter, expressing her resolve not to bend her child's inclinations to her own judgment. There remains a letter to

Mrs. Howland, whose daughter was to marry her son, afterwards Duke of Bedford, giving very sensible advice upon the manner in which the child, then eight years old, ought to be educated. And it is worthy of remark, that so serious a person as Lady Russell does not omit to mention dancing as one of the things which her future daughter-in-law ought to learn: for, "though I confess," she says, "fashion and those other accomplishments are, perhaps, over-rated by the world, and I esteem them but as dross and as a shadow, in comparison of religion and virtue, yet the perfections of nature are ornaments to the body, as grace is to the mind." It appears by another letter, that she gave a large sum from her own fortune, to pay the debts which her son had contracted by gambling; and, to conclude these quotations, there is another, in which she exhorts him, by every argument she can imagine, to seek for support in religion, which had been her own guide and consolation. The peculiarity which is most striking in Lady Russell is, that she was esteemed and consulted by her contemporaries, and has been admired and revered by posterity, without any ambitious effort of her own. She neither sought to shine in the world by the extent of her capacity, nor to display, by affected retirement, the elevation of her soul; and when circumstances obliged

her to come forward on the stage of history, she showed herself in the appropriate character of a wife and a mother. Hence we may believe, that the unobtrusive modesty of private life contains many a female capable of giving the same example to her sex, and to mankind. But the hour of danger is past: the liberties for which Lord Russell sacrificed his life are established; and it is to be hoped that no English widow may, in future, have to mourn a husband, unjustly condemned, and tyrannically executed.

CHAP. XIX.

TRIALS OF OTHER PERSONS FOR THE PLOT. — ENQUIRY
INTO THE REALITY OF THE RYE-HOUSE PLOT.

BEFORE concluding this work, it will be proper to give some account of those who were involved with Lord Russell in the accusation of conspiring against the King, and to offer some observations on the reality of the Rye-House plot.

In November, Algernon Sydney was brought to trial. He was much more hardly used than Lord Russell had been; and the trial exhibits a strange and unnatural contrast between the violence, the injustice, and the brutality of the judge; and the calmness, the pointed reasoning, and the heroic fortitude of the prisoner. He was tried by a jury, many of whom were not freeholders. Jeffries, then Chief Justice, said the point had been decided on Lord Russell's trial, although, in that case, the trial had been in the city of London, and this was at the King's Bench. Rumsey and West were the first witnesses against him; and they swore that they knew nothing of the prisoner since the

conspiracy began. They had heard that he was one of the council of six ; and, what is most curious, West had heard this from Rumsey, and Rumsey had heard it from West. Lord Howard followed, adding many particulars to his former tale ; but as he was the only direct witness, the evidence required by law was filled up with a manuscript-book, in Sydney's hand-writing, written some years before. Quotations proving that he approved of the conspiracies against Nero, and against Caligula, were read as proofs of his having compassed the King's death. The Lord Chief Justice, in summing up the evidence, laid it down as law, that if one witness deposed that a man had said he would kill the King with a knife, and another witness deposed that he had bought a knife, these two would form the two witnesses required by law. It is needless to enter farther into this well-known case ; but I cannot help expressing my own sentiment, that there is no murder which history has recorded of Cæsar Borgia, which exceeds in violence, or in fraud, that by which Charles took away the life of the gallant and patriotic Sydney.

The Duke of Monmouth was persuaded, by Lord Halifax, to make his confession. He did this in a letter, in very general terms ; but being told that he might hurt Mr. Hampden, and

others of his friends, he went to the King, and desired to have it back. The King gave him his letter, but accompanied it with some severe expressions, and forbad him the court. He retired to Holland, where he was treated by the Prince of Orange with particular respect.

Not even a scrap of old writing could be found to corroborate the evidence of Lord Howard against Hampden; but the crown-lawyers thought proper to try him for a misdemeanor, for which one witness is sufficient. To convert the acts for which Russell and Sydney had been beheaded into a misdemeanor, seems strikingly absurd; but a fine of 40,000*l.*, which was equivalent to imprisonment for life, shows the intention of the Royal brothers. After this sentence, he was confined in different prisons, and all his real and personal property sequestered, till Monmouth's unsuccessful attempt. At that time Lord Grey consented to become a second witness against him; but some of his friends having raised six thousand pounds, which they offered to Jeffries and Mr. Petre, obtained his pardon, on condition that he should plead guilty.* Dalrymple who was perfectly aware of these facts, mixes them up, as usual, with romance. He attributes it to the unpopularity

* Hampden's Examination before the Lords, 1689.

which Sydney's trial had brought on the government, that Hampden was not at first tried for his life; and he suppresses the fact of 6000*l.* having been given for his pardon, in order to insert the following passage, which is a mixture of odious misrepresentation and affected sentiment:—"In despair he pleaded guilty. It was a sad spectacle to the generous of all parties, to see the grandson of the great Hampden entreating the meanest of mankind to interpose with the King for his life. Satisfied with the humiliation, because it was worse than death, Jeffries obtained his pardon from James."

In 1684, Holloway, who had been sent home, confessed all he knew, refused a trial, and was executed. He hinted, at his death, that had he chosen to discover more than was true, he might have saved his life. His discoveries produced an impression unfavourable to the belief of the plot.*

This impression was strengthened by the last words of Armstrong, who was taken in Holland, and condemned on a sentence of outlawry. He asked in vain for a trial, on the ground that the year allowed for him to come in was not expired, so that he might have surrendered himself voluntarily some months afterwards. When he asked for the benefit of the law, and said he de-

* Burnet.

manded no more, Jeffries answered, with a savage repartee, "That you shall have, by the grace of God. See that execution be done on Friday next, according to law. You shall have the full benefit of the law." *

We come now to the trials in Scotland. By an order in council of October 22. 1683, the King ordered the laird of Cesnock, and his son, the lairds of Rowallan, elder and younger, Crawford of Crawfordland, Fairly of Brunfield, Alexander Monro of Beaucrofts, Baillie of Jerviswood, Mr. William Carstairs, Hepburn, son to Major Hepburn, and Spence, servant to the Earl of Argyle, to be sent prisoners to Edinburgh, to be tried according to the law of Scotland. This was done, as Wodrow says, because the Scotch law was far more arbitrary than the English.

Sir Hugh Campbell, of Cesnock, was indicted in February, 1684, not for the Rye-House plot, but for harbouring rebels in the rising of Bothwell-Bridge. For the purpose of convicting him, two witnesses were brought, Ingrham and Crawford. When Ingrham was brought in, and was holding up his hand to swear, Cesnock, addressing him, said, "Take heed now what you are about to do, and damn not your own soul by perjury; for, as I shall answer to God, and upon

* State Trials.

the peril of my own soul, I am here ready to declare I never saw your face before this process, nor spoke to you." * This appeal had such an effect on both the witnesses, that they deposed nothing against him; and, notwithstanding the angry endeavours of the judge to draw evidence out of them, the jury would hear no more, and the prisoner was acquitted. The following account of some curious circumstances which occurred during this trial, is given by Wodrow:

"As Ingrham was going on in his deposition, one of Cesnock's lawyers asked him, whether he had communicated this to any others, to seduce them thus to depone, and told him, he was now under a deep oath, and nothing less than his soul at stake. Ingrham answered, 'I believe I have spoken of it to several.' Then the Justice-General asked if Cesnock spake any other words to Crawford? Ingrham answered, 'My Lord, I am now upon my great oath; and I declare I do not remember he spake any more at all.'

"Upon this there was a great shout and clapping of hands in the court; at which the King's Advocate said, in a great passion, that he believed that Cesnock had hired his friends to make this acclamation, in order to confound the King's evidence; and he never heard of such a

* Wodrow.

Protestant roar, except in the trial of Shaftesbury; that he had always a kindness for that persuasion till now; that he was convinced in his conscience it hugs the most damnable trinket in nature.

“After silence, the Justice-General interrogated Ingrham again; who answered, he had said as much as he could say upon oath: and the Justice-General offering a third time to interrogate Ingrham, Nisbet, of Craigentenny, one of the assizers, rose up, and said, ‘My Lord Justice-General, I have been an assizer in this court above twenty times, and never heard a witness interrogated upon the same thing more than twice; and let Cesnock’s persuasion be what it will, we who are assizers, and are to cognosce upon the probation, upon the peril of our souls, will take notice only to Ingrham’s first deposition, though your Lordship should interrogate him twenty times.’ The Justice-General answered him, with warmth, ‘Sir, you are not judges in this case.’ The laird of Drum, another of the assizers, presently replied, ‘Yes, my Lord, we are (*the*) only competent judges as to the probation, though not of its relevancy.’ Whereupon the whole assizers rose up, and assented to what those said. The Justice-General, in a great heat, said, ‘I never saw such an uproar in this court, nor, I believe,

any of my predecessors before me ; and it is not us you contemn, but His Majesty's authority.'

" Silence being commanded, Crawford, the other witness, was called in, who, being duly sworn, and no objection being made against him, he deponed negative, ' that he did not see Cesnock for a considerable time, either before or after Bothwell-Bridge ; that he does not remember that Cesnock spake any thing to him, either about the West-land army, or who commanded them.'

" Whereupon there was another great cry made, and clapping of hands, which put the Justice-General and Advocate into a great rage, at what they reckoned an irreverent insulting of the Court. Then Cesnock's advocate craved the probation might be remitted to the knowledge of the assize, which could not be refused ; and after a short speech made to them by Cesnock's lawyers, they inclosed themselves, and very soon returned their verdict, ' Not Guilty.' " Notwithstanding this verdict, the two Campbells were sent back to prison ; and being afterwards condemned by the Scotch Parliament, James the Second annexed their lands to the Crown, and confined them as prisoners at the Isle of Bass. *

* State Trials, vol. x. p. 974.

It is to the honour of Scotland, that no witnesses came forward, voluntarily, to accuse their associates, as had been done in England, by Rumsey and Lord Howard. The cruel means of torture were, therefore, used to obtain the convictions of those who were peculiarly obnoxious to the Court : and, even with the assistance of such dreadful engines, the ministers of the Crown were obliged to promise a pardon to the greater number, in order to obtain the execution of one or two individuals.

Spence, upon whose person some letters, written in cyphers, were found, was offered his pardon if he would read them. He refused to do so ; but would not say upon oath that he could not. Upon this, he was tortured and put in the boots, and then being delivered into the hands of General Dalziell, he was, by means of a hair shirt and pricking, kept without sleep, as it was said, for five nights. All this proving ineffectual, he was tortured with thumbikins, a new discovery, reported to have been brought by Generals Dalziell and Drummond from Muscovy. These barbarous means at length forced from him a confession, in which he owned, amongst other particulars, that Mr. William Carstairs, a clergyman who was in custody, had one of the three keys which were necessary to explain the cypher. This led to the torture of Carstairs. He with-

stood the pain once without shrinking, but the next day he confessed, upon conditions. The conditions, the same as those which had been obtained by Spence, were, that he should have a pardon for himself, and should not be brought as a witness against others. With all this, his confession did not satisfy his enemies. Before it was printed, it was garbled and mutilated, and, in the place where it should be inserted in the register of the Privy Council, there follow two blank pages. Witnesses against the plot were not yet obtained; but the information of which the government was in possession, enabled them so to work on the fears of Lord Tarras, and Murray of Philiphaugh *, that they were brought to appear against Baillie of Jerviswood.

Baillie was at this time so ill, that it was thought he could not live long. Though his wife offered to be put in irons, if she might remain in prison with him, he was denied that comfort; and even his daughter, at that time only twelve years of age, was not allowed to see him. He was required to purge himself, by oath, from the charge of having any concern in the Rye-House plot. When he refused to do this, though in general he protested his innocence, so heavy a fine was imposed upon him as

* Burnet says, by means of their wives.

to amount to a sentence of imprisonment for life. But the Court, not satisfied as long as Baillie lived, had no sooner prevailed on Lord Tarras and Murray to give evidence against him, than they brought him to trial for his life. The garbled confession of Carstairs, which they had promised not to make use of as evidence, was produced, and two clerks of council brought to swear to its accuracy. He was found guilty, and executed in great haste, lest death should prevent the work of vengeance. *

I have related these particulars concerning those who suffered for the Rye-House plot, that the reader may the more easily be enabled to follow the remarks I am about to make on the real nature of that plot. If my opinion is well founded, there existed, indeed, both in the higher and the lower orders, a great number of discontented persons: this discontent produced consultations on the state of the nation, and the practicability of resistance amongst the leaders, and wild talk about taking off the King and Duke, amongst indigent and unprincipled men. But there never was a formed plan, either for assassinating the King, or raising the country, except in the heads of Rumsey and West, and Lord Howard and Lord Grey.

* Burnet.

I must remark, in the first place, that Lord Russell, and those connected with him, were never supposed to be implicated, even by their bitterest enemies, in the plot for murdering the King. It will be as well, therefore, to speak of that plot in the first place.

On a subject of this kind, there is no better evidence than that of men who are about to die for the crime; and their confessions are more to be attended to in this case than in that of the Popish plot, as the persons executed for this conspiracy were not bound by any tie of faith or sect to support one another, and were of different religions, manners, professions, and habits.

On the day preceding Lord Russell's execution, Walcot, Hone, and Rouse were executed. Walcot laid the contrivance of the plot upon Rumsey and West. But it is better to give his own words, that no mistake may be made:

“ I confess I was so unfortunate and unhappy as to be invited by Colonel Rumsey (one of the witnesses against me) to some meetings, where some things were discoursed of, in order to the asserting our liberties and properties, which we looked upon to be violated and invaded. But it was he, and Mr. West, and some gentlemen that are fled, who were the great promoters of those meetings. I was near a quarter of a year ill of the gout, and, during that time, Mr. West

often visited me, and still his discourse would be concerning 'Lopping the two sparks;' that was the word he used, meaning the King and the Duke; and proposed it might be done at a play. This was his frequent discourse; for he said, then they would die in their calling: it was his very expression. He bought arms to do it with, without any direction of mine; I never saw the arms, nor I never saw the men that were to do it; though they said they had fifty employed to that end. I told several of them, that the killing the King would carry such a blemish and stain with it, as would descend to posterity; that I had eight children, that I was loth should be blemished with it; and withal I was confident the Duke of Monmouth would revenge his father's blood, if it were but to vindicate himself from having any hand in it. Mr. West presently told me that the Duke of Monmouth did not refuse to give an engagement, that he would not punish those that should kill the King."

Hone, who appears to have been a weak man, confessed he had been drawn in, and quoted the words of Scripture, "Thou sawest a thief, and thou consentedst to him." He said, he had never been at any of the clubs. He owned he had said, he had rather kill the King and save the Duke of York; but when asked if he

had rather a Papist should reign over us, he said, he did not know what to say to that.

Rouse gave a very long detail, but reported nothing except on hearsay. He had been told by one Leigh, (one of the witnesses against him,) that Goodenough had a design to secure the King's person without shedding blood. Rouse, as well as the other two, accused the witnesses against him of being the most forward to incite others.

Lord Russell was much rejoiced, when he heard what these men had said; and considered it would destroy all the credit hitherto given to the witnesses.

In the confession of Holloway, we find much vague talk about a plot, and a proposal of his own to surprise Bristol.

The following are the most important passages in Holloway's confession:

"About the beginning of May I came up to London again, in company with Mr. Wade, and some other Bristol men; but when we came up, my business being in the city, and theirs about the Temple, we parted; after two or three days, I met with Mr. Wade, and asked how he found things, who told me, he doubted all would prove a sham, for he thought there was nothing intended, finding nothing materially done in

order to what had been so long discoursed. Then we went to Mr. West, and discoursed him fully about the contents of his letters, who told us, they were resolved to kill the King and Duke as they came from Newmarket; in order to which, he had provided arms for fifty men, pistols, carbines, and blunderbusses; and that they were promised the house of one Rumbold, a maltster, which lay in the road, and the King must come by his door, there the men should have been lodged. Then we asked, who was to have acted it, to which he could give but a slender answer, and could or would name but two men, who were Rumbold and his brother, saying, if they could have raised six or eight hundred pounds to have bought horses, and something to encourage men, they should have had men enough; so that we found they had few men, if more than two, and no horses, only a parcel of arms; which afterwards he showed us at a gunsmith's house, in a little lane near Temple-Bar. Then we asked him what they designed if it had taken effect: to which he answered, that the men should have come up with all speed to London, and dispersed themselves immediately, declaring for the Duke of Monmouth, and that the King and Duke being dead, no opposition could be made; then we asked who were for this design, he named Colonel

Rumsey and Richard Goodenough, and, as far as I can remember, no more; so we found it was carried on by them, contrary to the knowledge or approbation of those who managed the general design: then we declared our great dislike of it, telling him, it was a base, dishonourable and cowardly action, and would seem odious to all the world, that any pretending themselves Protestants, should be concerned in such a bloody action; and that we thought it was his cowardice put him upon it, to which he said, that he could not fight, but would be as forward with his money as any one of his capacity. At this meeting, Rumsey and West would be often saying, there was nothing like the lopping business, meaning the taking off the King and Duke; and that it might be easily done, as they went to or from the play-house; but I never heard any agree with them in it. Rumsey was still upon the old strain of killing the King and the Duke, saying, at this the last meeting I was at, going for Bristol next morning, that it might be done in Windsor-park, and that he would undertake it; but not except every one there present would go with him, to which not one consented."

These passages are very material, as they form part of a confession made by a man already con-

demned to death, but still influenced by the hope of obtaining the King's pardon. They fix the project of assassination upon Rumsey and West, and none other: for the two Rumbolds, and Goodenough, are named upon their authority.

Holloway was asked, at his execution, if he was ever acquainted with Lord Russell; to which he replied in the negative.

The solemn denial of Armstrong is still more weighty. Though he had lived a dissolute life, his last days were spent in prayer and thoughts of a future state: "his pride and his resentments," says Burnet, "were subdued and forgotten." From such a man, we may expect the truth. He says, in the paper he delivered to the sheriff, "I take God to witness, I never was in any design to take away the King's life; neither had any man the impudence to propose so base and barbarous a thing to me; neither was I ever in any design to alter the government of England. What I am accused of, I know no otherwise than by reports, and prints; which I take to be uncertain. So that it cannot be expected I should make particular answers to them. If I had been tried, I could have proved my Lord Howard's base reflections upon me to be a notorious falsehood; for there were at

least ten gentlemen, besides all the servants in the house, can prove I dined there that day." *

Baillie of Jerviswood, who was the chief person concerned in the Scotch part of the conspiracy, also denied, in a manner which forces belief, his knowledge of any plot for murdering the King and Duke. He was, as we have seen, weak and faint, and could not remain at the bar of the justiciary, even sitting, without the help of frequent cordials. When the King's Advocate had finished, he desired leave to speak a few words, not being able to say much on account of his great weakness; which being granted, he said, that he did not expect to live many days, but he found he was intended for a public sacrifice, both in life and estate. He complained that the witnesses had recollected many things which had not passed in his presence: "But there is one thing," he added, as we are informed by Wodrow, "which vexes me extremely, and wherein I am injured to the utmost degree; and that is the charge for a plot to cut off the King and His Royal Highness, and that I sat up at nights to form a declaration to palliate or justify

* Lord Howard had accused him of being absent on that day, on an expedition to interrupt the King and Duke. Burnet is mistaken in saying that Armstrong denied having been engaged in any design "against the government." His words, as we see above, were, "to alter the government."

such a villainy. I am in probability to appear, in some hours, before the tribunal of the Great Judge; and, in presence of your Lordships, and all here, I solemnly declare, that never was I prompted, or privy to any such thing, and that I abhor and detest all thoughts or principles for touching the life and blood of His Sacred Majesty, or his royal brother. I was ever for monarchical government."

"And then, looking directly upon the King's Advocate, he said, 'My Lord, I think it very strange you charge me with such abominable things: you may remember, that when you came to me in prison, you told me such things were laid to my charge, but that you did not believe them. How then, my Lord, come you to lay such a stain upon me, with so much violence? Are you now convinced in your conscience, that I am more guilty than before? You may remember what passed between us in the prison.'

"The whole audience fixed their eyes upon the Advocate, who appeared in no small confusion, and said, 'Jerviswood, I own what you say: my thoughts there were as a private man; but what I say here is by special direction of the privy council;' and pointing to Sir William Paterson, clerk, added, 'he knows my orders.' 'Well,' says Jerviswood, 'if your Lordship have

one conscience for yourself, and another for the council, I pray God forgive you ; I do.' And turning to the Justice-General, he said, ' My Lord, I trouble your Lordships no further.' ” *

It will be remembered, that Colonel Rumbold, who, by marrying a maltster's widow, had become the proprietor of the Rye-House, was accused of having lent his house for the assassination. Yet, as far as I remember, this accusation depends on the authority of none but Rumsey and West. His answer to it I shall relate in the words of Mr. Fox, who has added such valuable remarks to the narrative, that I could not wish for a better conclusion to this part of my enquiry. When relating the fate of those who came over with Argyle, he says : —

“ Rumbold, covered with wounds, and defending himself with uncommon exertions of strength and courage, was at last taken. However desirable it might have been thought, to execute in England a man so deeply implicated in the Rye-House plot, the state of Rumbold's health made such a project impracticable. Had it been attempted, he would, probably, by a natural death, have disappointed the views of a government, who were eager to see brought to the block a man whom they thought, or pre-

* Wodrow.

tended to think, guilty of having projected the assassination of the late and present King. Weakened as he was in body, his mind was firm, his constancy unshaken; and notwithstanding some endeavours that were made by drums and other instruments, to drown his voice when he was addressing the people from the scaffold, enough has been preserved of what he then uttered, to satisfy us, that his personal courage, the praise of which has not been denied him, was not of the vulgar or constitutional kind, but was accompanied with a proportionable vigour of mind. Upon hearing his sentence, whether in imitation of Montrose, or from that congeniality of character, which causes men, in similar circumstances, to conceive similar sentiments, he expressed the same wish which that gallant nobleman had done; he wished he had a limb for every town in Christendom. With respect to the intended assassination imputed to him, he protested his innocence, and desired to be believed upon the faith of a dying man; adding, in terms as natural as they are forcibly descriptive of a conscious dignity of character, that he was too well known, for any to have had the imprudence to make such a proposition to him. He concluded with plain, and apparently sincere, declarations of his undiminished attachment to the principles of

liberty, civil and religious; denied that he was an enemy to monarchy, affirming, on the contrary, that he considered it, when properly limited, as the most eligible form of government; but that he never could believe that any man was born marked by God above another, ‘for
‘ none comes into the world with a saddle on
‘ his back, neither any booted and spurred to
‘ ride him.’ *

“ Except by Ralph, who, with a warmth that does honour to his feelings, expatiates at some length upon the subject, the circumstances attending the death of this extraordinary man have been little noticed. Rapin, Echard, Kennett, Hume, make no mention of them whatever; and yet, exclusively of the interest always excited by any great display of spirit and magnanimity, his solemn denial of the project of assassination imputed to him in the affair of the Rye-House plot, is in itself a fact of great importance, and one which might have been expected to attract, in no small degree, the attention of the historian. That Hume, who has taken some pains in canvassing the degree of credit due to the different parts of the Rye-House plot, should pass it over in silence, is the more extraordinary, because, in the case of the

* Ralph, i. 872.

Popish plot, he lays, and justly lays, the greatest stress upon the dying declarations of the sufferers. Burnet adverts, as well to the peculiar language used by Rumbold, as to his denial of the assassination; but having before given us to understand, that he believed that no such crime had been projected, it is the less to be wondered at, that he does not much dwell upon this further evidence in favour of his former opinion. Sir John Dalrymple, upon the authority of a paper which he does not produce, but from which he quotes enough to show, that if produced it would not answer his purpose, takes Rumbold's guilt for a decided fact, and then states his dying protestations of his innocence, as an instance of aggravated wickedness.* It is to be remarked too, that although Sir John is pleased roundly to assert, that Rumbold denied the share he had had in the Rye-House plot, yet the particular words which he cites neither contain, nor express, nor imply, any such denial. He has not even selected those, by which the design of assassination was denied, (the only denial that was uttered,) but refers to a general declaration made by Rumbold, that he had done injustice to no man; a declaration which was by no means inconsistent with his having been a

* Dalrymple's Memoirs, i. 141.

party to a plot, which he, no doubt, considered as justifiable, and even meritorious. This is not all : the paper referred to is addressed to Walcot, by whom Rumbold states himself to have been led on ; and Walcot with his last breath denied his own participation in any design to murder either Charles or James. Thus, therefore, whether the declaration of the sufferer be interpreted in a general, or in a particular sense, there is no contradiction whatever between it and the paper adduced ; but thus it is, that the character of a brave, and, as far as appears, a virtuous man, is most unjustly and cruelly traduced. An incredible confusion of head, and an uncommon want of reasoning powers, which distinguish the author to whom I refer, are, I should charitably hope, the true sources of his misrepresentation ; while others may probably impute it to his desire of blackening, upon any pretence, a person whose name is more or less connected with those of Sydney and Russell. It ought not, perhaps, to pass without observation, that this attack upon Rumbold is introduced only in an oblique manner : the rigour of government destroyed, says the historian, the morals it intended to correct, and made the unhappy sufferer add to his former crimes, the atrocity of declaring a falsehood in his last moments. Now, what particular instances of rigour are here alluded to, it is difficult to

guess ; for surely the execution of a man whom he sets down as guilty of a design to murder the two royal brothers, could not, even in the judgment of persons much less accustomed than Sir John to palliate the crimes of princes, be looked upon as an act of blameable severity ; but it was thought, perhaps, that for the purpose of conveying a calumny upon the persons concerned, or accused of being concerned, in the Rye-House plot, an affected censure upon the government would be the fittest vehicle.

“ The fact itself, that Rumbold did, in his last hours, solemnly deny the having been concerned in any project for assassinating the King or Duke, has not, I believe, been * questioned. It is not invalidated by the silence of some historians : it is confirmed by the misrepresentation of others. The first question that naturally presents itself, must be, was this declaration true ? The asseverations of dying men have always had, and will always have, great influence upon the minds of those who do not push their ill opinion of mankind to the most outrageous and unwarrantable length ; but though the weight of such asseverations be in all cases great, it will not be in all equal. It is material therefore to consider, first, what are the circumstances

* It is confirmed, beyond contradiction, by Lord Fountainhall's account of his trial and execution.

which may tend, in particular cases, to diminish their credit ; and next, how far such circumstances appear to have existed in the case before us. The case where this species of evidence would be the least convincing, would be where hope of pardon is entertained ; for then the man is not a dying man in the sense of the proposition, for he has not that certainty that his falsehood will not avail him, which is the principal foundation of the credit due to his assertions. For the same reason, though in a less degree, he who hopes for favour to his children, or to other surviving connections, is to be listened to with some caution ; for the existence of one virtue does not necessarily prove that of another, and he who loves his children and friends may yet be profligate and unprincipled, or, deceiving himself, may think, that while his ends are laudable, he ought not to hesitate concerning the means. Besides these more obvious temptations to prevarication, there is another, which, though it may lie somewhat deeper, yet experience teaches us to be rooted in human nature. I mean that sort of obstinacy, or false shame, which makes men so unwilling to retract what they have once advanced, whether in matter of opinion, or of fact. The general character of the man is also in this, as in all other human testimony, a circumstance of the greatest

moment. Where none of the above-mentioned objections occur, and where, therefore, the weight of evidence in question is confessedly considerable, yet is it still liable to be balanced or outweighed by evidence in the opposite scale.

“ Let Rumbold’s declaration, then, be examined upon these principles, and we shall find, that it has every character of truth, without a single circumstance to discredit it. He was so far from entertaining any hope of pardon, that he did not seem even to wish it ; and indeed, if he had had any such chimerical object in view, he must have known, that to have supplied the government with a proof of the Rye House assassination plot, would be a more likely road at least, than a steady denial, to obtain it. He left none behind him, for whom to entreat favour, or whose welfare or honour were at all affected by any confession or declaration he might make. If, in a prospective view, he was without temptation, so neither if he looked back, was he fettered by any former declaration ; so that he could not be influenced by that erroneous notion of consistency, to which, it may be feared, that truth, even in the most awful moments, has in some cases been sacrificed. His timely escape in 1683, had saved him from the necessity of making any protestation upon the subject of his innocence at that time ; and the words of the

letter to Walcot are so far from containing such a protestation, that they are quoted (very absurdly, it is true) by Sir John Dalrymple, as an avowal of guilt. If his testimony is free from these particular objections, much less is it impeached by his general character, which was that of a bold and daring man, who was very unlikely to feel shame in avowing what he had not been ashamed to commit, and who seems to have taken a delight in speaking bold truths, or at least what appeared to him to be such, without regarding the manner in which his hearers were likely to receive them. With respect to the last consideration, that of the opposite evidence, it all depends upon the veracity of men, who, according to their own account, betrayed their comrades, and were actuated by the hope either of pardon or reward.” *

With respect to the other part of the plot, namely, the conspiracy for a rising, it appears undeniable, from the trials and confessions, that there were meetings and consultations held, on the prudence and practicability of resistance; but that there never was a formed plan for an insurrection, much less any project for deposing the King, or altering the government, may with safety be asserted.

* History of James the Second.

The person who goes farthest, as we might naturally expect, in his confessions respecting the plot, is Mr. Hampden. He was examined before a committee of the House of Lords, in 1689, at a time when it was a subject of pride and self-applause to have been concerned in a resistance to the arbitrary government of Charles the Second. Speaking of his plea of "Guilty," he says, "As for the subject-matter of what this examinant confessed, he supposes no man will think he ought to be ashamed of it, who believes the Lord Russell was murdered." He proceeds to say, that "this was the way which our ancestors always took, when the sovereign authority came to so great a height, as might be made out by many instances. Custom had made this the law of England, and all civilised and well-governed nations about us had used the like way." Speaking of the concern he had in the Revolution, he says, "he thinks King William's coming into England to be nothing else but the continuation of the Council of Six." These last words are very strong; but it would be absurd to infer from them that the Council of Six had any intention of bringing in King William. That there was no design of an immediate rising, is to be inferred from many particulars. It can hardly be supposed that Lord Howard, who was one of the leaders, would

have retired, first for three weeks, to the country, and then for five weeks, to Bath, on the eve of an insurrection breaking out. But according to the evidence of that noble person, on the trial of Lord Russell, the conspirators waited for the return of the messenger they had sent to Scotland. It is therefore proper to follow him there, and see what was done. I will take the account from Murray, of Philiphaugh, the witness for the Crown, who exaggerated matters so much, as to excite frequently the astonishment of Jer-viswood, and draw a reproof from his dying lips. The witness deposed that, at the meeting held upon the arrival of the messenger, amongst other discourse, it was said that the surprising rulers was a thing not to be thought of amongst Protestants, as it could not be effected without bloodshed.* He proceeded to make the following statement:—

“ All the company seemed to agree, that they should undertake nothing, or move in that affair, till they had a full and certain account what England proposed, what methods they resolved to follow there, who were to be their heads; and that, if they designed any attempt on the King’s person, or overturning monarchy, they would not be forward or clear to join. And

* State Trials, vol. x. p. 677.

it being here insinuated, that the most they could do, at least for which there could be any plausible pretence, was to draw together; and, without any act of hostility, send addresses to His Majesty for redress of the present abuses of the government, and for obtaining sufficient security against the hazard they apprehended to their religion and liberties; it was said by Polwart, that he was apt to think that was their very design; for he had heard it was generally believed by that party in England, that if once they were in a body, the King would be prevailed with to quite (*leave?*) the Duke to be tried for Popery, correspondence with France, and accession to the Popish plot; and then, if the King were once free from the influence of the Duke's counsels, they were confident he might be moved to reform their abuses, and secure their religion and liberties for the future to their contentment."

This deposition fully corroborates a letter of Carstairs, which is reported to have been written by him to his friends. The substance of it was as follows: —

"He testifies his abhorrence of any design against the King or Duke's life; that all his countrymen with whom he spake, were free from any design against the King or government; and that he frequently told the lords

who came to him, this whole affair upon which he was questioned amounted to no more than talk, without so much as any formed design, and even talking was much broke off, before the discovery of the plot. He showed them how unwilling he was to bring any man to trouble ; and that it could not but be very grievous to him to be forced to speak of any who had trusted him as a friend, especially when the business never came to any bearing, or to that height as to be any way prejudicial to the government."

If, however, the reader estimates the character of Lord Russell as one in which falsehood found no place, he will agree with me that the words spoken by him to Bishop Burnet, with the confidence of friendship, and in the expectation of being summoned, within a few hours, before his Creator, are the best of all evidence. He then declared that all that had been done amounted, to loose discourse, or, at most, embryos, that never came to any thing.* And, in the paper delivered to the sheriffs, he says, " And now, to sum up all, as I never had any design against the King's life, so I never was in any contrivance of altering the government." Dalrymple considers this denial as a proof that Burnet wrote the paper ; because it is difficult to reconcile it with

* Burnet's Journal.

Lord Russell's sincerity * ; as if there were not as much guilt in affixing his name to a falsehood, as in writing it himself. But Dalrymple has, in fact, no other foundation for his opinion than a mistaken notion of his own, that †, on the trial, Lord Russell did not either avow or deny the intended insurrection. Had he looked to the printed trial, he would have seen that Lord Russell is made to say that he looked on a rebellion as wicked and impracticable, and that he never wished to redress any grievance but in a legal and parliamentary way. In the report here given from his own hand, he says, "As for going about to make or raise a rebellion, that likewise is a thing so wicked, and withal so impracticable, that it never entered into my thoughts." His language, on his trial, to his friend, and in his last speech, is thus firm and consistent, though, as might be expected, his language is stronger to the judges before conviction than to the world and his friend afterwards. Dalrymple says, there is a letter in the Paper-office of Lord Russell to the King, in which he only denies the assassination. The petition to the King before given, in which he merely allows the meetings to be unlawful, must be the letter here alluded to. I have looked at

* Dal. p. 93.

† Ibid. p. 91.

the papers in the Paper-office, and there is only one other petition, or letter, of Lord Russell to the King which is quite unimportant. Such is the faithful description of Dalrymple, and that too in a note, in which he complains of the inaccuracy of Burnet.

The judgment expressed by Lady Russell, many years afterwards, probably contains the truth on this subject. She was persuaded the Rye-House plot was no more than "talk;" — "and 'tis possible," she adds, "that talk going so far as to consider, if a remedy to supposed evils might be sought, how it could be formed." *

* The whole of the passage is worth insertion. It is on the occasion of Monmouth's invasion, in a letter to Dr. Fitzwilliam :

" And now, Doctor, I take this late wild attempt to be a new project, not depending on, or being linked in the least to any former design, if there was then any real one, which I am satisfied was not, no more than (my own lord confessed) talk. And it is possible that talk going so far as to consider, if a remedy to supposed evils might be sought, how it could be formed? But, as I was saying, if all this late attempt was entirely new, yet the suspicion my lord must have lain under would have been great; and some other circumstances, I must confess, would have made his part an hard one. So that, from the deceitfulness of the heart, or want of true sight in the directive faculty, what would have followed, God only knows. From the frailty of the will I should have feared but little evil; for he had so just a soul, so firm, so good, he could not warp from such principles that were so, unless misguided by his understanding, and that his own, not

The Duke of Monmouth, in his declaration against James the Second, seems to allow the existence of meetings to consult of extraordinary, yet lawful, means, to rescue our religion and liberties from the hands of violence, when all ordinary means, according to the laws, were denied and obstructed.

We may now, upon the whole, conclude, that the consultations in which Lord Russell took a part, related to the means of resisting the government, but that no plan of rebellion was any wise matured.

In the examination which I have made into the truth of the Rye-House plot, I have placed

another's; for I dare say, as he could discern, he never went into any thing considerable, upon the mere submission to any one's particular judgment. Now his own, I know, he could never have framed to have thought well of the late actings, and therefore most probably must have sat loose from them. But I am afraid his excellent heart, had he lived, would have been often pierced from the time his life was taken away to this. On the other hand, having, I trust, a reasonable ground of hope he has found those mercies he died with a cheerful persuasion he should, there is no reason to mourn my loss, when that soul I loved so well lives in felicities, and shall do so to all eternity. This I know in reason should be my cure; but flesh and blood in this mixed state is such a slave to sense, the memory how I have lived, and how (as I think) I must ever do for the time to come, does so prevail and weaken my most Christian resolves, that I cannot act the part that mere philosophy, as you set down many instances, enabled many to an appearance of easiness; for I verily believe they had no more than me, but vainly affected it."

no reliance on the authorities of Lord Grey, and Bishop Sprat.

The character of Ford, Lord Grey, is stained with licentiousness, cowardice, falsehood, and ingratitude. The seduction of his wife's sister, of which an account may be seen in the State Trials, was aggravated by duplicity to her parents, and barbarity to her. After the accession of James, he excited Monmouth to make an invasion, and afterwards ruined his cause by his notorious cowardice. When in prison, he offered to become a witness against his former associate Mr. Hampden; and in order to secure his own life, he wrote, by the command of James, what Mr. Hume is pleased to call "the most full and authentic account" of the Rye-House plot. The story is long, and well told, and probably has a great mixture of truth; but as it is impossible to separate the true from the false, it is better to neglect it altogether.

Bishop Sprat wrote, at the desire of Charles and James, a history of the Rye-House plot: but, after the Revolution, he published two exculpatory letters to the Earl of Dorset, in which he says that James, after his accession, called for his papers, and having read them, and altered divers passages, caused them to be published, by his own authority. Sprat also retracts all that he had insinuated against Lord Russell's

veracity : his authority must, of course, be equally disregarded with that of Lord Grey.

It remains to be considered, how far Lord Russell was justified in consulting and debating on the practicability of raising an insurrection.

I apprehend few men will now deny that resistance to a government may sometimes be an act, not only justifiable as an enterprise, but imperative as a duty. At the same time, I am far from agreeing to the doctrine attributed to Lord Chatham, that "it were better for the people to perish in a glorious contention for their rights, than to purchase a slavish tranquillity, at the expense of a single iota of the constitution."* It should, indeed, be the endeavour of men who have inherited liberty from their ancestors, to transmit the possession unimpaired to their descendants ; but the loss of a single franchise may be compensated, and abuses of power, though frequent, may be resisted, without recourse to arms, so long as there are channels through which the injured may obtain redress. Should these be choaked up, and in danger of being totally closed, it is then the unquestionable right of all men who value their privileges, to prepare other means for their defence.

* Anecdotes of Lord Chatham. Speech, January 9. 1770.

If we consider the state of the government at the period when Lord Russell was executed, we shall see that it had totally changed its nature. The very means by which the Crown may be lawfully resisted, had been either taken away, or converted into instruments for raising a new edifice of arbitrary power. These means are, the parliament, the courts of justice, and the press. The parliament had been dissolved two years before, with an apparent determination never to call another; and should their assistance be ever wanted, the surrender of the charters gave so commanding an influence to the Crown, that their remonstrances would be no longer formidable. Accordingly, King James found, in the parliament which he assembled upon his coming to the throne, a willing and humble tool.

The courts of justice, where judges were appointed and displaced at the King's pleasure, and juries were returned, without regard either to law or decency, had become more subservient to the Court than those of France, a country in which despotism was openly established. In London, where justice had long been neglected, in the struggle of the rival parties, the Tories were now completely triumphant, and there was no doubt that the promoters of the Exclusion Bill would not receive free and impartial justice.

The press also, the last refuge of the worshippers of freedom, had become a fortress of her enemies. The writings of the Whigs were suppressed, and calumnies against them published, in violation and in contempt of the laws. That such was the system of government, has been fully made out by the facts before detailed; and, to crown all, in order to afford time for the new system to acquire stability, a pension was received from a foreign power, which defrayed the most urgent expenses of the Court.

So many measures, all tending to the same end, constituted no less change in the English constitution than was effected by the Republicans when they beheaded Charles the First, and proclaimed the Commonwealth: and had Charles the Second lived, or had James not obstinately persevered in his attachment to Popery, there can be little doubt that 1681 would now be looked upon as the era of a revolution which established in England the unlimited monarchy of the Stuarts.

These considerations are sufficient, it appears to me, to justify the alarm which Lord Russell felt for his country, and his wish to form a party against the dangerous pretensions of the royal brothers. But, in all cases of resistance, not only must the justness of the cause be considered, but also the probability of success.

Prudence is, in this instance more perhaps than in any other, a moral duty ; for, by a mistake in calculation, the lives of thousands may be hazarded, and the chains of the people more completely rivetted. The magnitude of such a crime, and the inviting form under which it appears to the most honourable minds, are the only excuse for the severity of those laws which condemn him who is guilty of it to forfeit, not only his life, but the honours and property which have descended to his family.

In the time of which I am treating, as Lord Russell himself remarked, an insurrection could not be made by a few great men. On the other hand, it was by no means necessary that the people should be disposed universally to act against the government. "There is more strength in union than in numbers," says Lord Halifax : "witness the people, who, in all ages, have been scurvily used, because they could so seldom agree to do themselves right." Again, he says, "The people can seldom agree to move together against a government ; but they can sit still, and let it be undone." Indeed, except where the oppressor has appeared in the shape of a foreign foe, rather than a domestic tyrant, as in Holland and in Switzerland, the people have, in very few cases, risen in a body to assert their rights. It is sufficient to justify the leaders of

an insurrection, that the people should be thoroughly weary of suffering, and disposed to view with complacency a change of rule. Were they so in 1683? It appears to me that they were not. Acts of oppression had been exercised chiefly against a party, many of whom had become unpopular; the general character of the government was not tyrannical; the religion, and the property of the subject had not yet been attacked. Lord Russell seems himself to have entertained little hopes of rousing the people at this period; and it is probable that, after some consultation with his friends, he would either have persuaded them to remain quiet, or have withdrawn altogether from their councils.

But there is another question which may probably be asked: Can it be safe for a government, it may be said, to allow plans for insurrection to be canvassed in the capital? Was it their duty to wait, and see if a feasible project of rebellion could be arranged and prepared for execution? To this question I shall answer, frankly, in the words of Lord Russell, that there was no way of establishing arbitrary power in England, without first wading through his blood. He would have been ever on the alert to watch the designs of the Court; and, in the first moment of its weakness, all the friends of freedom would have been in arms.

The necessary consequences of the measures of Charles were executions, or civil war. The very spirit with which his victims died, showed how little disposed they were to become the willing and quiet slaves of his despotism. Russell refused to barter his free opinions for the hopes of life: Sydney thanked God that he died for the good old cause: Colledge and Rumbold, the first and the last of those who suffered for opposing the arbitrary government of 1681, gave, in their last words, honourable testimony of their fearlessness and sincerity. Their undaunted confidence should have taught James that Englishmen were not afraid of risking their lives for freedom: but, instead of being a warning to him, they became an example to others. It is to their spirit, and the spirit of men like them, rather than to any unalterable law, that we owe the permanency and the excellence of our ancient constitution.

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 our ancestors which has preserved it, and it
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APPENDIX.

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APPENDIX, No. I.

ADVICE OF WILLIAM EARL OF BEDFORD TO HIS SONS.

[This paper was sent to me after the rest of the work was gone to the press. The title is in the hand-writing of John Duke of Bedford, who died in 1771, and the letter itself is in the hand-writing of his secretary, Mr. Beaumont. It is difficult, however, to reconcile the contents of the paper with the title. Mention is made of the mother of the persons to whom it is addressed, as one some time dead; but Anne, Countess of Bedford, the mother of Francis Lord Russell, and his brother William, did not die till 1684. Neither can I reconcile the details of the family given in this paper with an Earl of Bedford of any other period. The style seems to be that of the reign of Charles the First.]

Copy of a Letter wrote by William Earl of Bedford, to his Sons, Francis and William.

Dear Frank;

IGNORANCE and vice are the usual effects of an unlearned and undisciplined education. Of my passionate desire to free you and your brother from both these, I suppose I have given you and the world sufficient testimony, sure I am, I have satisfied myself; you may guess how violent my longings are to advance your piety and understanding, that is, to render you perfect

men, in that, death is only displeasing when I think of dying before I see this my desire accomplished, or at least so far as my hopes may be greater than my fears: and as death every day makes his approaches nearer and nearer, (God knows how soon he will make a long separation between us :) and in this other regard too, that whilst I live I shall always be with thee. Be this, then, received either as a legacy for the will of a dying, or the advice of a living father, if it be observed or obeyed in either capacity, I shall think myself neither dead nor absent; I put it into your hands with a prayer, that God will give it his blessing, and then you have mine.

It was the wisest saying of the wisest man, the fear of God is the beginning of wisdom. Holiness then is the introduction of all wisdom; so it shall be the first of my advice, Fear God; and if holiness give knowledge, knowledge will give thee happiness, long life, riches, and honour. Length of days is in the right hand of wisdom, and in her left hand are riches and honour, (said the wise King :) how exalted a thing, then, is religion, which is the mother of so great blessings, and who will pity thy complaints for the want of any of these, if they be obtained by the pleasure of (that which will also crown thee

with heaven) an holy life; be pious, and thou art all these; fear God, and thou shalt not fear man, or devil, for it will set thee above the reach of fortune, or malice.

RELIGION.

For thy religion, distinguish not thyself by, be not factious for, nor serve under any sect whatsoever: be thou a Christian, the most pure, certain, noblest worshipper of God of all others. But if thou art pressed to give up thy name to any one profession, enquire after and embrace that whose principles conduce most to piety, that which comes nearest the doctrine of Christ. And in the examination of questions in religion, though I am no divine, yet I dare venture to guide your conscience thus far. Be careful still to search into the consequences of a doctrine; rely upon the Scriptures, which are, without exposition, plain, and which, if they offer injury to the attributes of God, rendering them such as we should abhor ourselves to be, or if they open the gate to looseness and profaneness, by no means give them entertainment. Lastly, labour diligently to find the truth when God shall enable you with abilities for that great work, for I would not have you owe your religion to your education only; and for your encouragement to the search of this truth, heedfully remember the

most excellent saying of our blessed Saviour, John, vii: 1, 2., "If any man will do his will, he shall know of the doctrine whether it be of God or man." God never denied himself to him that sought him by prayer and holiness of life. And when you have thus happily found this divine truth, embrace it sincerely, and follow it constantly, and be sure to give it honour by your conversation.

LOYALTY.

Next to the fear of God, the Apostle commands honour to the King, which if it be not the sum of the second table, as the other is of the first, it cannot be denied to be the principal and main pillar thereof. And let me tell thee, if thou dost honour thy father and thy mother, thou canst neither be rebel nor schismatic, disloyal to the sovereign power, or disobedient to the church.

DUTY TO PARENTS.

As for your duty to me, I doubt not but it will grow up with your understanding; and when you know how nice and curious my care hath been over your education, even to the least circumstance, my prying into your inclination, observing the bent of your soul, her very first putting forth, heightening the good, and checking the ill, placing guards upon your senses and

conversation, not only pointing out the way to virtue, by putting your feet into it, and teaching you to tread it; (I speak not of fashioning or adorning your body, for I would not have you to measure my love and care by gay clothes, noble diet, and recreation, though you enjoyed these in some measure;) when you come to know and judge of this, I have reason to expect, and therefore may boldly challenge, that if you were to choose a father, you would seek me out. Should you now so behave yourself, that as if I were to choose a son, to adopt a gentleman into my family to inherit my name and fortunes, you only I should pitch upon; besides the joy of beholding it, I should have a requital even to my wish. Nor were it possible for you to die in my debt, for your education, if you observe this with like care to bring up your children also; (if it shall please God to give you that blessing;) and because I have an ambition to oblige posterity, I do here charge this duty upon you, that you also lay the like charge upon yours, and they on their children successively. For ingenuous manners first made us noble, marked out and advanced our family first to honour; with equal reason and more facility, will such manners preserve us noble, which is most certainly effected by education, otherwise the estate I leave you will be but as rich trappings upon an

ass, and render you more ridiculous : wherefore, whatsoever you leave your heirs, (and now I speak to your posterity in you,) be sure to give them a learned and liberal education ; there being, in my judgment, no other way to secure you from falling from honour, and the despite of fortune. This which I have said concerning your duty to me, is also applicable to the memory of your excellent mother, for a personal observance you cannot pay her. I most strictly charge you, often to call to mind, that you and your brother have entered into a solemn engagement unto me, under your hands, to imitate the honours and excellencies of that dear saint, the best of wives, the best of mothers and friends. Be religious in the performance of it, as you expect my blessing. Remember, Frank, she had more pangs in your bringing up, than bringing forth, and she hath been an excellent nurse to your mind, regarding more the health and straitness of that, than of your body, though this were cared for with the greatest tenderness imaginable. The truth is, you owe her so much that you cannot clear your obligation by any other way ; nothing can discharge you, and acquit you to her also, but by being such to yours, as she has been to you, and thus her memory is honoured, and I profess myself satisfied.

AFFECTION TO BROTHERS AND SISTERS.

As for your carriage towards your brothers and sisters, I must needs say, that your natural kindness towards them now, gives me great hopes that you will be a loving brother hereafter. And be so, Frank, as you expect the blessing of God, and my favour. Besides, your interest will require this from you, because a numerous, wealthy, and ancient family, entire, and agreeing within itself with all its dependants and relatives, cannot easily be wronged in such a country as this. I know very well how little it can suffer, and how much it can do; but then it must be, as I said, entire. The dying father's bundle of arrows in the fable has an excellent moral, to show, how invincible love and union are. And that you may rightly understand me, this love of yours to them, must not only be in affectionate words, kind entertainment, and the like, but in a hearty real performance of all good offices that may tend to the advantage of their estates and reputation; study to do them good, and stay not for opportunities offered, snatch them rather and prevent their wishes. This is a noble way of obliging, and by this means you may make them your friends, a dearer name by far than that of brother or sister, and which, perhaps, may be repaid to yours, though yourself

may not need the return ; for I must tell you, kind offices have been remembered when the bestower has been rotten. And a grandchild hath been thanked, sometimes relieved, for the grandfather's kindness : insomuch as the courtesy to your brother may prove a charity to your child, think seriously of this, and remember it. But that I may be thoroughly understood in this advice, your love doth not end here, and I am not fully obeyed if you only love them in that manner as I have expressed : you must endeavour that they love one another also ; to this end, be sure to put out the fire of discontent, if any appear, or but the smoke thereof, presently, so soon as it doth appear, and be careful to put it quite out, for smothered discontents break out afterwards with more violence. And herein, after my decease, you are to show the authority of a father, as well as the love of a brother to your family ; for which purpose, you ought to enable yourself with those abilities of understanding and judgment, that you may be a person fit to be sought unto, and to be relied upon. This will give you authority, and upon a presumption, these both sides will be inclined to rest and settle, being confident that your equal affection will not suffer you to deceive them, nor your sound reason to be deceived yourself.

AFFECTION TO KINDRED.

This advice I must carry also into my next particular that concerns your kindred, which, for the former reasons, you must also labour to preserve in amity, at least the major and better part of them, and it will require a very good skill, but once happily effected, it must needs bring you great reputation. Let your outward deportment be full of respect to all your kindred, but reserve to yourself a secret mark and character of each. And take heed of suffering them to come within you, yet thrust them not off: gentleness, but managed with discretion, will be sometimes necessary; yet distance and gravity must presently step in to secure it from presumption, and protect it from abuse. I should say more concerning this, but I refer you to my more secret instructions, where you shall have, God enabling me, a particular of those friends and servants to your family, whose counsels you may follow, and whose service you may trust.

Frank, you are now setting your foot into the world, but before you place it, look about you, and consider that you can hardly set it but upon a snare, or a thorn, which calls upon you both for care and courage: with these, take my experience for your guide; and, if you follow not

my directions exactly, which frees you from all danger ; yet tread as near as you can, you shall suffer the less ; slip you may, fall you cannot.

MANNERS.

I have observed that the greatest mischief to our manners, proceeds from a mistake of the nature of things ; learn, therefore, first to make a right judgment of things ; esteem not a feather, and slight a jewel ; know that nothing is beautiful, great, or your own, but only virtue and piety ; riches are not, great revenues, noble houses, money, or plate ; but not to want that which is necessary to support a moderate and ingenuous condition. That glory, is to hear well for doing good ; honour, a reverence for being virtuous ; power and command, an ability to oblige noble persons ; nobility, heroic actions, or to be like noble ancestors ; generosity, a natural inclination to virtue ; health, such a constitution of the body as renders the mind vigorous ; beauty, a fair soul lodged in no unhandsome body ; strength, not to be weary in virtuous actions ; pleasure, those pure, firm, lasting delights, which arise from those things alone which belong to the understanding and soul. All which definitions of things are clean contrary to the vulgar conceptions, and, consequently, not to be expected in their practice.

Thy birth, Frank, hath separated thee from the people; let thy actions also carry thee, and raise thee above them; suspect all things they admire; neither think their opinion, nor live their manners. They know not how to set upon each thing its due price and value; learn you to do it, and accustom thyself betimes to entertain right and sound opinions, that they may grow up with thee, and by using thyself to think well, thou mayst soon come to do well; and by frequency of well doing it will, it may, at last become so habitual and natural, as that thou canst not but do well, thou canst not do otherwise; or if at any time you do ill, it may appear to be by constraint, or force, rather than from inclination. After you are able to judge of things, and hath kept off the servile yoke which opinion hath laid upon most men, by imposing false names, and governing the world by that cheat, and that you can plainly see a rich man to want those things which he has, and a high content in poverty, discern a great man in all his liberty, chained like a slave to his lusts and idleness, and another free in his fetters: this done, to fit you for conversation, receive these following directions. First, because the eye doth make the first report of the man, and as she tells her tale, so for the most part the presence is liked or disliked (sometimes very unjustly), to avoid prejudice, be sure to

put yourself into good fashion ; and, without flattery, I may tell you, but do not hear it without thankfulness to God, you have a body every way fit to bear a graceful presence, answerable to your rank and quality. But take heed of affectation and singularity, lest you act the nobleman instead of being one. And whether you stand, sit, or move, let it be with such a becoming, pleasing gravity, as that your very behaviour may commend you, and prevail for a good opinion with the beholder. Before you speak, let your mind be full of courtesy ; the civility of the hat, a kind look, or word from a person of honour, has brought that service which money could not. And he that can gain or preserve a friend, and the opinion of civility, for the moving of the hat, or a gentle look, and will not, is sillily severe ; spare not to spend that which costs nothing ; be liberal of them, but be not prodigal, lest they become cheap. I remember Sir Francis Bacon calls behaviour the garment of the mind ; it is well resembled, and rightly expresses the behaviour I would have in proportion to a garment. It must be fit, plain, and rich, useful and fashionable. Frank, I should not have advised you to such a regard of your outside, the most trifling part of man, did I not know how much the greatest part of the world are guided by it, and what notable advantages

are gained thereby, even upon some very wise men; the request of an acceptable person being seldom, or at least unwillingly, denied. Yet take heed of minding your behaviour too much, lest it pilfer from your consideration, and hinder action. It is at best but a letter of commendation, or like a master of ceremonies, presents you to have audience. If something be not well said or done, you are but a handsome picture, the pageant or show of a man.

LANGUAGE.

The next thing that fits you for conversation, and is, indeed, chiefly to be laboured for, is a graceful manner of speaking in a distinct, well-tuned voice, without stammering, lisping, stopping, or repetition. And let these be your rules and caution in discourse; be sparing of speech; some do it to be suspected for wise men, yet do you speak sometimes that you may not be thought a fool. But let the little you utter be very much to the purpose, and, therefore, frame it within, before you set it forth, still observing the point of your discourse, and go to that directly. If it be a knot, untie it skilfully; always have respect to a grey-haired experience, and famed understanding, if such a one be present.

2d. Let your language be clear, proper, significant, and intelligible, fitted to the subject,

which, as near as you can, should be according to the humour of the persons you converse with. And this being various, it is requisite that your abilities be various also. As in all things else, so in this of speech, be a strict observer of decorum. Speak not scholastically to a lady, nor courtly to a plain man. And take heed of surfeiting the ears of your hearers, seeing that the best discourse, like sweetmeats, quickly cloy, if they become constant food; and like perpetual music, loses its charms. Therefore, still leave your company in an appetite to hear more, baiting them sometimes with short offers, so cunningly as that they may invite you, and press you to speak on: did I fear in you a poverty of speech, or should you find at any time a slender stock, I should entreat you to good husbandry; above all things avoid common-places, they are fulsome and ridiculous.

3d. If your genius leads you, and I hope it does, to affect a pleasantness of wit, this will charm and win upon all companies. And let me tell you, that a story, and a fit well-chosen tale, well told, has effected that which a more serious and wise debate could never accomplish. The Spanish are singular in this kind, which renders them the best company in the world. And you have often heard me say, that it was the best music I ever heard in Spain. Their

gravity in the narration sets off a story exceedingly well: imitate it if it be possible, and if you can, get the apparelling the same tale in a various dress; that if you should chance to tell the same again, either it will not be known in its disguise, or it may again please, because of its variety; neither were it amiss if you sometimes seem to forget to show your dexterity that way. By no means affect scurrility, and whet not your wit on a dull adversary. It is no way generous to raise mirth or triumph over a fool, whom to overcome can be no victory, when the contention itself was dishonourable. If you meet with a proud, vain, self-conceited man, it may become you well to put such a one out of countenance, so it be done handsomely, and like a person of honour, for all men are well pleased to see a vain man well rallied.

4th. Be not dogmatical and peremptory in your opinion — it will be long before that become you; but having spoken, as you think, reason, if it be not allowed of, speak it again, and leave it calmly to censure. Be very careful of falling into passion: for why should you be angry, that another is not able or willing to understand you. Let me tell you, it is the sign of a very feeble spirit, not to be able to endure contradiction; and therefore, if you have a mind to gain reputation upon any by dispute, try if he can be

moved : if he may be, then anger him, but without offence ; you cannot wish for a greater advantage than his passion will give you ; for anger, in dispute, is like an unquiet horse in a dusty way, — it raises so much dust in the eyes of the understanding, that it blinds it, and puts it out. It will lay the enraged disputant so open, that you may hit him where you please, and he cannot put by one fallacy. Besides, many have overcome by suffering the enemy to beat himself out of breath. But if you would render yourself pleasing to any person you have a mind to oblige, propose then such a subject as you know he is very well skilled in, most men being desirous and pleased to show their own excellency ; and you will not lose by it neither, for the experienced soldier shall tell you more of the art of war, and a well-practised lawyer of a judged case in law, in half an hour, than all the books of both professions can teach you in a month, if, perhaps, at all. Again, if you have a desire to make a show of yourself, to discourse of that you are best known in, take heed of rushing or breaking in upon it : it will appear pedantical, and discover an affectation which you should carefully avoid ; the slight of this must be by degrees, approaches, and goings about to steal upon the argument, and draw some of the company insensibly to begin it. To shut up this particular, take notice,

that some men are good at a short turn, or quick reply, who languish and are tired in a large discourse : others are nothing quick at hand, but yet their strength of reason brings them up at last. Could you join both these together, and make them one ability, you would soon appear a great master of language. I could wish you had the skill to maintain paradoxes ; not to that purpose, as some cross humorous wits employ them, merely for contradiction and ostentation, but for the sharpening and stretching of your wit, which, if discreetly and modestly handled, they will afford a sharp tickling delight, set you off handsomely, and render you, to quick apprehensions, very acceptable. If to these you add modesty of countenance and speech, in one of your birth and parts, they will render your conversation sweet and charming. Therefore fail not, upon occasion, to be master of a great modesty ; but withal know when to be high ; and when you show it, let it be with gentle temper, in a sweet and well-commanded spirit. So that now, Frank, you being thus fitted with comely presence, and furnished with good language, sufficiency and dexterity of discourse :

EMPLOYMENT.

I will now oversee your employment, which at present is your study : and I shall be less care-

ful herein, upon a presumption of your tutor's care and sufficiency in the kind hath prevented me; however, I shall tell you what I have heard a very learned man speak concerning books and the true use of them.

1st. You are to come to your study as to the table, with a sharp appetite, whereby that which you read may the better digest. He that has no stomach to his book will very hardly thrive upon it.

2d. And because the rules of study do so exactly agree with those of the table, when you are from your tutor, take care that what you read be wholesome, and but sufficient. Not how much, but how good, is the best diet. Sometimes, for variety, and to refresh and please the palate of your understanding, you may read something that is choice and delicate; but make no meal thereon. You may be allowed also the music of poetry, so it be clear, chaste, and not effeminate.

3d. After you have read a little, make a stand upon it, and take not more in, nor that down, till it be well chewed and examined. Go not to another thing until the first be understood in some measure. If any thing stick with you, note down your doubts in a book for the purpose, and rest not till you be satisfied, then write that down too.

4th. In your reading, use often to invert and apply that which you observe applicable to some purpose : and if this change be a robbery, God help late writers. Sure I am, nothing to my reason appears more effectual to raise your invention and enrich your understanding.

5th. After reading, remember, as from the table, so you rise from your book, with an appetite ; and being up, disturb not the concoction, which is infinitely improved by a rumination or chewing of the cud. To this end, recollection with yourself will do well, but a repetition with another far better ; for thereby you will get a habit of readily expressing yourself, which is a singular advantage to learning ; and by the very discoursing of what you learn, you again teach yourself : besides, something new, and of your own, must of necessity stream in.

6th. For the choice of your books, be advised by your tutor ; but, by my consent, you should not have above one or two at the most in every science, but those very choice ones. I will commend one book to you, — we begin with it when we are boys, yet it will become the oldest and gravest man's hand, — it is Tully's Offices ; a most wise and useful book, where you shall have excellent philosophy excellently dressed. And those that are skilful in the language say, that

the whole Latin tongue is there with all its purity and propriety.

7th. For the more orderly managing of your study, I would have you divide the day into several employments. Great and wise persons have given you the example. If you will have me dispose your time for you, I shall proportion it into three octaves: eight hours of which for sleep, comprehending dressing and undressing; eight hours for devotion, food, and recreation, in which I comprehend visits and your attendance upon me; the other octave, give it constantly to your studies, unless business or like accident interrupt, which, if it shall, you must either recompense by the succeeding day's diligence, or borrow from your recreation. But by no means intrench upon your hours of devotion, which I would have you proportion into little and frequent offices, to sweeten the spirits and prevent wearisomeness. Possibly even these hours also of devotion may sometimes receive interruption, by travel or employment of necessity; then your offices must be the less. You may likewise be deprived of the conveniency of place: if so, yet steal a retirement — nothing must hinder you from withdrawing yourself, and a good man makes any place an oratory. But be sure no merry-meeting, pastime, or humouring of others,

make a breach upon your daily exercise of piety — nothing but evident necessity can dispense.

8th. Be not ashamed to ask if you doubt; but be ashamed to be reproved for the same fault twice.

9th. Be constant in your course of study; and although you proceed slowly, yet go on in your path: assiduity will make amends at last. He that can but creep, if he keeps his way, will sooner come to his journey's end, than he that rides post out of it.

10th. Endeavour at the highest perfection, not only at your studies, but in whatsoever you attempt: strive to excel in every thing, and you may perform many things worthy of praise, nothing meanly. He that aims further than he can shoot, and draws with his utmost strength, will hardly shoot short, at least deserves not to be blamed for short shooting.

11th. Avoid night studies, if you will preserve your wit and health.

12th. Whether thou dost read or hear any thing — indeed whatsoever you do — intend what thou art about, and let not thy mind wander, but compel it to be fixed and present. If any other thought comes across thee in thy study, keep it off, and refer it to some other time: this wandering of your spirit you know I have often

reproved, therefore, whatsoever you do, do it, and nothing else.

13th. Suffer not thy memory to rest; she loves exercise, and grows with it every day: commend something notable to her custody; the more she receives, the better she keeps; and when you have trusted any thing to her care, let it rest with her a while, then call for it again, especially if it be a fault corrected. You must not err twice; and by this frequent calling her to account, she will be always ready to give you satisfaction; and the sooner, if what she was entrusted with was laid up orderly, and put, as it were, in the several boxes of a cabinet.

14th. If thou wouldst seem learned, the best way is to endeavour to be learned; for if thou dost not strive to be that which thou desirest to be, thou desirest to no purpose, which gives me occasion to recommend this following advice to your especial regard.

15th. It is an extreme vanity to hope to be a scholar, and yet to be unwilling to take pains; for what excellent thing is there that is easily composed? Its very difficulty doth imply, and, as it were, doth invite us to something worthy and rare. Consider, it is a rose that thorns do compass; and the forbidden object sharpens the desire in all other things. Thus a difficult mis-

tress makes a lover more passionate ; and that same man hates an offered and a prostitute love. I dare say, if learning were easy and cheap, thou wouldst as much slight her ; and, indeed, who would have any thing common with a carter or a cobbler ? Something there is, doubtless, in it, that none but noble and unwearied spirits can attain her ; and these are raised higher, and heightened by its difficulty, and would not gain her otherwise. Something there is in it, that no money or jewels can buy her. No, Frank, nothing can purchase learning but thy own sweat : obtain her, if thou canst, any other way. Not all my estate can buy thee the faculty of making but one quick epigram — the trifling part of her ; wherefore I entreat thee, Frank, to raise thy spirit, and stretch thy resolution. And so often as thou goest to thy book, place before thy eyes what crowns, sceptres, mitres, and other ensigns of honour, learning hath conferred upon those that have courted her with labour and diligence ; besides the rare pleasure of satisfaction, which, of itself, is an honourable reward. And let me tell thee, Frank, a learned holy man (and such a one would I fain have thee to be) looks like an angel in flesh — a mortal cherubim. And because letters are great discoverers of the man, therefore, when you write, let your style be genteel, clean, round, even, and plain, un-

less the subject or matter require a more manly and vigorous expression. I cannot allow you a curiosity, unless it be like a lady's dress, negligently neat. Go not to counsel for every word, yet neglect not to choose. Be more careful to think before you write than before you speak; because letters pass not away as words do; they remain upon record, are still under the examination of the eye, and tortured they are, sometimes, to confess that of which they were never guilty. That is rare, indeed, that can endure reading. Understand the person well to whom you write. If he be your inferior, or equal, you may give your pen the more liberty, and play with it sometimes; but if to your superior, then regard is to be had to your interest with him, his leisure, and capacity; all which will be so many caveats and instructions to the humility, neatness, and brevity of your style. You shall do well if, like a skilful painter, you draw your sense, and the proportions of your business, in a plain draft first, and then give it colour, heightening, and beauty afterwards; and, if it be duly considered, it is no such (*great*) commendation to be praised for penning a letter without making a blot, not in my judgment; therefore, after you have pondered and penned, then examine and correct. A negligent manner of writing, methinks, is a kind of an affront and a challenge,

not a letter, to a person of distinction. Avoid all roughness, swelling, poverty, and looseness in your style; let it be rather riotous than niggardly. The flowing pen may be helped, but the dry never. Especially shun obscurity, because it must go a-begging for an interpreter: and why should you write to intreat him to understand you if he can. Be this your general rule, both in your writing and speaking, — labour for sense, rather than words; and for your book, take this also, study men and things.

16th. Perhaps you will expect, after all these instructions, I should commend unto you some copy or example to imitate. As for the Greek and Latin tongues, I leave it to your tutor's choice. In the English, I know no style I should sooner prefer to your imitation, than that of Sir Francis Bacon, that excellent unhappy man. And to give you direction for all imitation in general, as well as of his style in particular, be careful so to imitate, as by drawing forth the very spirits of the writer, you may, if possible, become himself. Imitate him, but do not mock him: for the face of a bull, or a horse, is more comely, than of an ape or a monkey, though the ape most resembles man, the most beautiful of all creatures; and, in that regard, your own genuine and natural style may show more comely than an imitation of Sir Francis

Bacon, if it be not exactly done. I would have the imitator be as the son of the father, not the ape of a man; that is, to put on the likeness of a child, not of an ape: for the ape only imitates the deformities and the ridiculous actions of man, the son represents all the graces of the face, gesture, and every figure of his father; and, in this representation, he hath something of himself too. I shall add but one caution more, and that is this — as he can never run well who shall resolve to set his foot in the footsteps of one that went before, so neither shall any man write well, who precisely and superstitiously ties himself to another's words. And with this liberty I wish you still happy.

17th. And such will all your studies be, if you constantly put in practice this my last admonition, which I reserved purposely for this place. It is, that you be careful every night, before you go to bed, or perform your devotions, to withdraw yourself into your closet, or some private part of your chamber, and there call memory, your steward, to account what she has heard or read that day worthy of observation; what she hath laid up, what she spent; how the stock of knowledge improves, where and how she decays. A notable advantage will this bring to your studies at present, and hereafter (if that way employed) to your estate. But if this course be

strictly observed each night between God and your soul, there will the true advantage appear. Fail not, therefore, Frank, what employment soever you have, every night, as in the presence of God and his holy angels, to pass an inquisition on your soul what ill it hath done, what good it hath left undone; what slips, what falls it hath had that day; what temptations hath prevailed upon it; and by what means, or after what manner. Ransack every corner of thy dark heart, and let not the least peccadillo, or kindness to a sin, lurk there, but bring it forth, bewail it, protest against it, detest it, and scourge it by a severe sorrow. Thus each day's breach between God and your soul being made up, with more quiet and sweet hope thou mayst dispose thyself to rest. Certainly, at last, this inquisition (if steadily pursued) will vanquish all customary sins, whatever they be. I speak it upon this reason, because I presume thou wilt not have the face to appear before God every night confessing the same offence; and thou wilt forbear it, lest thou mayst seem to mock God, or despise him, which is dreadful but to imagine. This finished, for a delightful close to the whole business of the day, cause your servant to read something that is excellently written or done, to lay you to sleep with it, that, if it may be, even your dreams may be profitable

or learned. This you will find, by your own experience, true, that things will appear more naked to the eye of the soul, when the eye of the body is shut; which, together with the quiet of the night, that time is rendered a most fit season for contemplation and contrivance. As a great advantage, not only to your book, but health and business also, I cannot but advise and enjoin you to accustom yourself to rise early; for, take it from me, no lover of his bed did ever yet form great and noble things. Now, though I allowed eight hours for your bed, with the preparation to it and from it, yet this was rather to point out the utmost limits beyond which you should not go, rather than to oblige you to observe such a proportion exactly. Borrow, therefore, of these golden morning flowers, and bestow them on your book. A noble person, of all others, has need of learning, and therefore should contribute most time to it; for, besides that it gilds his honour, and sets off his birth, it becomes his employment, which a nobleman, of all others, must not want, if he will secure his soul, honour, and estate, all which are in most certain danger from idleness, the rock of nobility, considering the plenty of his table, and society, with all sorts of temptation; if, therefore, he be a hard student, he is not at leisure to be vicious; the devil knows it is to no purpose to tempt a busy

man ; be always, therefore, employed ; and because some are triflingly active, that you may not with them be idly busy, your book will instruct you how. O Frank, did you but hear the complaints of excellent personages, for missing of that opportunity which you are now master of ; or could you but suppose yourself old and ignorant, how tender would you be of the loss of one minute ! what would you not give to return to these years you now enjoy ! Let this consideration sink deep and settle in you. Be more curious of the expense of your time than of your gold ; time being a jewel whose worth is invaluable, whose loss is irreparable ; therefore secure the present time, that you may not hereafter lose more by a vain bewailing of the past. Now, because the best of learning is to study yourself, and I have reason to believe I have some skill in you, having so curiously observed your nature and inclination, I shall make some useful discourse in order to this knowledge, by which you may both see your defects and amend them.

YOURSELF.

The most profitable and necessary in the world, is to know and study thyself ; wherefore, with all the plainness, sincerity, and observation you can make in your best temper of mind and body, lay yourself open to yourself ; take an impartial

survey of all your abilities and weaknesses, and spare not to expose them to your eye by writing, which I conceive is the best done by framing your own character, and so to draw the picture of your mind, which I recommend to your yearly practice during your life. This, Frank, if you flatter not yourself, will be your best looking-glass, and must needs have a singular influence upon your religion, and serve your soul extremely well to very high purposes; for, by this means, your growth or decay in virtue will be discovered, and, consequently, ways for the increase of that growth, or for repairing those decays and breaches in the soul, will more readily be found out, and more easily cured. When you have found both your forces and infirmities, then look with one eye upon them, and with the other on the realms you live in, whereby, comparing yourself with the general state of affairs, you shall soon discern whether there may be a correspondency and compliance between you and them, that you may thereupon either draw yourself within your private walls, to enjoy the happiness of an holy, quiet, and innocent repose, in case the times are rough and dangerous to sail in; or else, if calm and suitable, to engage yourself in some public employment, for the service of your country and advancement of your family; though, if I may guess at the future con-

stitution of your mind by what I observe at present, were the times never so calm and inviting, you should not be easily enticed to embark yourself into the world, or engage in busy and great employments. Your best course, in my judgment, Frank, were to say your prayers at home, manage your little affairs innocently and discreetly, and enjoy, with thankfulness, what God has bestowed upon me. But it may so happen that your inclinations may be active, and your parts correspondent, and that good fortune may find you out in your privacy, and court you to employment, — if she does, refuse her not, but embrace her with these cautions: First, be sure to ballast yourself well, by calling in to your aid all the advantages of learning, art, and experience: then consider to fit your sails to the bulk of your vessel, lest you prove a slug, or upset. And because commonwealths have their shelves and rocks, therefore get the skill of coasting and shifting your sails; I mean, to arrive at your journey's end by compassing and an honest compliance. Yet, if honesty be the star you sail by, doubt not of a good voyage, at least be sure of a good harbour.

APPENDIX, No. II.

EXTRACT

RELATIVE TO LORD SHAFTESBURY.

THE following defence of Lord Shaftesbury, from the imputation of having advised the shutting up of the Exchequer, is taken from Belsham's character of Lord Shaftesbury, page 93., of his History of Great Britain :—

“ Mr. Hume asserts, after Burnet, that Lord Shaftesbury suggested to Clifford the infamous advice of shutting up the Exchequer; although these statesmen were at this very time inveterate political adversaries. And there is extant a paper of objections, admirably penned, left by Lord Shaftesbury with the King, against that violent and iniquitous measure; and also a letter of the same nobleman, in which, adverting to this report, he styles it ‘ foolish as well as false. If any man consider,’ says he, ‘ the circumstance of the *time* when it was done, and that it was the *prologue* of making Lord Clifford Lord High

Treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me at the same time out of my wits.' And the Duke of Ormond, a man of honour, though of the Clarendon or York party, was heard to declare 'his wonder why people accused Lord Ashley of giving that advice, for he himself was present when it was first moved by Lord Clifford, and he heard Lord Ashley violently oppose it.' "

Mr. Belsham afterwards says, " Some of these particulars are extracted from original materials, not yet made public, but which will probably appear at no very distant interval."

APPENDIX, No. III.

CHARLES REX.

*Instructions to our right-trusty and well-beloved
Cousin, Lewis Earl of Feversham, sent by us
to the Court of France.*

You shall embark yourself at any of our ports, in order to your speedy passing the seas for France, and so to make what speed you can by land to that Court, wheresoever it is.

As soon as arrived, you shall desire an audience of our good brother the Most Christian King, to whom you shall deliver our letter, and desire to acquaint him with our desires, which are as followeth: —

You shall represent to the Most Christian King, that we have entered, as far as we could possibly with the Prince of Orange, upon the subject of the peace, and find him disposed to it, provided it may be made with safety to Flanders, upon which he conceiveth that of Holland and those countries to depend:

That without Valenciennes, Tournay, and Condè, as well as Charleroy, Aeth, and Cous-

trecht (Courtray), and Audenard, the Prince doth not conceive Flanders can be left in any possibility of defence, and is therefore sure the States can never go lower than that, whatever propositions we should make to them, nor could he consent to it :

That we desire to know the Most Christian King's mind upon these terms, as those only which we see any probability of consenting to for a peace even on the States' side ; and in the obtaining of this peace, conceive ourselves as much concerned as any of the party themselves :

That the Most Christian King having said always he intended not the conquest of Flanders ; we have, likewise, ever declared to our Parliament and subjects, as well as all foreign ministers, that we could not see it lost. But the refusal of these towns, without which, indeed, it could not be said to have a frontier, would confirm the general opinion of the design of France to perfect that conquest. Since the loss of it, or leaving it indefensible, would be the same thing ; nay indeed, the latter the more inconvenient to the Spaniard, who in time of peace must be at the charge of garrisons, repairing fortifications, and providing stores, which, whensoever the Most Christian King shall think proper to make war upon him, must be all

sacrificed to his service; if so, considerable troops may have an open entry into the middle of the country at pleasure :

That how constant soever we have been to our friendship with France, and how desirous soever we are to continue it, yet we find the humour of our people so violently bent upon the preservation of Flanders, and for which we have so often assured them of our care and endeavours, that we do not see how we can live at any *ease* with them, if we should suffer it to be lost by any further conquest there during this war, or by the terms of a peace ruinous and destructive :

That this jealousy in the Parliament, and the desire thereupon of engaging us in the war, had for these three years last past run us into so many difficulties by hindering our supplies, and raising so general discontents among our subjects, because we alone have stemmed this tide for so long together, that we reasonably doubt, whether the heat of a whole nation be always to be resisted :

That we shall be necessitated to call a Parliament in April, by reason of a very great branch of our revenue that will determine at Midsummer next; and that we cannot have the least hopes of getting it continued, if after these as-

surances we have given them of the preservation of Flanders, they shall find it in so much a worse condition than when they parted :

That if a peace shall not be concluded, or at least the main points agreed upon before that time, the great influence that some of the confederates' ministers (less inclined to a moderate peace than the Prince of Orange) seem to have amongst some warm men in the Parliament, may raise many difficulties, which by concluding it now, may safely be avoided :

How far the irresistible temper of the House did necessitate us to a peace with Holland, is well known to the Most Christian King ; and they having the like advantage now upon us in respect of our revenue, they then had in respect of our expenses, to what streights they may, and are like to drive us, is not hard to guess :

That besides this the many obligations we have to take care of the welfare and safety of the Prince of Orange, needs not repeating to you ; they will sufficiently occur to you of themselves ; and we do find a thorough resolution in that Prince, to fling himself into the most desperate counsels imaginable, rather than consent to the loss of Flanders by such a peace as must ruin it, in which he judgeth his own honour and country's safety concerned to the uttermost :

You may represent to the Most Christian King, that we are the more earnest in pressing this peace, because of the many reasons it draweth with it of removing all accidents that may obstruct the hearty friendship between that King and us. That it will be with all the honour and all the safety imaginable to that King, that he being now secured by Cambray, St. Omer's, and other conquests in Artois, against all the apprehensions of Flanders, and further strengthened by the accession of Burgundy, whatsoever further towns or countries he shall desire, will argue not the preservation of himself desired, but the conquest of Flanders. He hath so often declared against the latter, that we have no reason to doubt it; and as the emoluments of the war redound solely to His Most Christian Majesty, so will the glory of the peace, besides the obligation upon us, by his making it at our intercession.

The foregoing reasons, the time of the year, the nigh assembling of the Parliament, will give you ample matter to press a speedy answer to these proposals; this opportunity being lost, I know not when we shall be master of such another, if the meeting of the Parliament should, as there is probability, cross the measures we have now taken. The rest of the instructions relate to terms. Lisle and Douay proposed to

be offered to Spain; a truce for Sweden and Sicily; Sicily to be restored to Spain; all to be restored betwixt France and Holland: as to the Emperor, all to stand on the present foot, or the King will use his best endeavours to have Maestricht slighted on the one side, and Philipsburg on the other. Lorrain to be restored; the acceptance of the terms to be kept secret, till consented to by the Confederates.

Additional Instruction apart.

Besides the other instructions we have given you, in order to your negociation in France, we have thought fit to add this: In case you shall judge that the showing the instructions given you to His Most Christian Majesty, or such of his ministers as he shall appoint, may beget a greater confidence in that Court, and so hasten your answer, (much depending upon our soon receiving of it,) we do empower you, in case in your judgment you shall think it for our service, to show the said instructions as aforesaid, the better to accelerate your dispatch, which you shall press with all instance, and return with what speed you can; but this (if done) is to be done as of yourself, and unknown to us.

We give you no project of a treaty, because you are not sent to conclude any thing, but only to acquaint that Court with the propositions

mentioned in the instructions, to desire the Most Christian King's judgment upon them, and to bring that back to us with all speed.

Given at our Court at Whitehall, this 10th day of November, in the twenty-ninth year of our reign, 1677.

C. R.

By His Majesty's command,

H. COVENTRY.

The instructions to Mr. Montague, dated December 4th, are nearly in the same words. But they also contain these additional arguments : —

“ That we desired to know the Most Christian King's mind by my Lord Feversham ; but he hath brought us back an answer in general, that the propositions are no way reasonable ; which doth very much surprise us, when we consider how nakedly we, by him, stated the case to His Most Christian Majesty, viz. that this was the lowest terms we could bring the Prince of Orange to for a peace : that without a peace, suddenly concluded, all our measures would receive such a disturbance at home, that we should possibly be obliged to take some that we desire with all earnestness to avoid : and when His Most Christian Majesty hath seriously considered what inconveniences we have endured in parting with

so many sessions of parliament in discontent, the consequences of which cannot be unknown to him; that, now we have resisted to the utmost, and for such reasons as shall hereafter be showed, you cannot defer the speedy calling of our Parliament, where, if a peace be not made, we must expect all the pressures imaginable to relieve Flanders, by such ways as we would willingly avoid; and that yet our necessities, and the conjuncture of our affairs are such, that a longer living at a distance with our people cannot be continued without an apparent * danger to our very being and crown, we cannot but hope that when you have seriously discussed this matter with our Good Brother, he will not think the parting with a town or two, for the sake of us who have so far hazarded our interest in our three kingdoms† to keep our friendship with him, (beyond our own most considerable interest,) an unreasonable demand.

“ If you shall be asked the reason why we have antedated the day for the meeting of the Parliament, you must plainly say, that the great preparations and present marches in Flanders, with the siege of St. Ghislain, joined to the answer given to my Lord Feversham, made it

* Visible.

† He does not give a thought to the interest of the three kingdoms.

seem necessary to us, lest Flanders should be lost before the meeting of our Parliament; which, besides many inconveniences as to the reputation of our conduct and prudence, would possibly have raised a storm too violent for us to allay.

“ If the Most Christian King shall take notice to you of the good correspondence that hath still been between him and us, and object many late intrigues and miscarriages to our prejudice, you may, in our name, assure him, we have the same value for his person and friendship we ever had; neither hath the Spaniard changed the opinion we had of him by any fresh obligations. But the grounds of this our pressing him to a peace, proceedeth from a mature consideration of our own affairs at home, which, if Flanders should be lost in the interval of a Parliament, the disorder that would be in the minds of our subjects in general, and of our Parliament in particular, would, in all probability, occasion such confusions here, as would be of more damage to us than all the conquests the Most Christian King hath made, though prodigiously great, can be of advantage to him.”

EXTRACTS FROM SECRETARY COVENTRY'S
DISPATCHES AT LONGLEAT.

Secretary Coventry to the King.

To His Majesty, at Newmarket.

Whitehall, Oct. 4, 1678.

May it please Your Most Sacred Majesty ;

My indisposition having increased upon me since Your Majesty's departure, so far as to confine me most part of this time to my bed, I have not been able to give you any account of your affairs here : only this evening I have made shift to creep to the council, where some of Mr. Coleman's papers have been read, which contain little as to the present question, but so much presumption in treating with the Most Christian King's confessor and ministers, for the altering the religion and government, with such characters upon Your Majesty's royal person, His Royal Highness, and all the ministers ; nay, undertaking, for a sum of money, to govern Your Majesty as to the calling or not calling your Parliament ; and in making a manifesto for Your Majesty to justify the dissolution of the Parliament : that I believe never any age produced a man placed in no higher a post than he is, nor of so indifferent quality, that had the confidence to venture on so many extravagant crimes at one

time, nor so little care as to leave such papers to be seized, after so fair a warning, Your Majesty knowing very well there was no order for seizing his papers till the night before your departure. The clerks of the council are busy in decyphering more of his letters: as any thing of consequence arriveth, I shall not fail to give Your Majesty an account, as being, &c.

(Signed) H. COVENTRY.

Burnet was correct in saying "Coleman had a whole day to make his escape, if he thought he was in any danger. And he had conveyed all his papers out of the way; only he forgot a drawer under the table, in which the papers relating to 74, 75, and a part of 76, were left." But he is not equally accurate when he says, speaking of the King's going to Newmarket, "This was censured as very indecent levity in him, to go and see horse-races, when all people were possessed with this extraordinary discovery, to which Coleman's letters had given an universal credit." One would suppose he meant that Coleman's letters had come out before he went to Newmarket; but he probably means only that this discovery made people censure his levity in having gone.

To the King.

A Council. March 1680.

Mr. Hyde speaks to an order for allowance of money to witnesses to be brought up from Ireland. Thinks the Duke of Ormond should be acquainted with it, and refuses money from the Treasury, without an order from the King. The Lord President (Shaftesbury), incensed that an order of the Council should be questioned, got up and left the Council; but nobody followed him.

Letters to Lord Essex.

Feb. 2, 1675.

His Majesty declared his resolution to suppress all sorts of recusants.— Enquiry to be made when any great persons left out of the presentment.— All priests to leave the kingdom by 1st of March.— Conventicles to be suppressed.— To be determined in council next day.

Feb. $\frac{1}{2}$ $\frac{5}{3}$.

The King always speaks highly of Lord Essex.

March $\frac{2}{1}$ $\frac{7}{7}$.

Mysterious letter.— Directs him to have letters opened at the post.

May 18.

Confesses he is melancholy; for he speaks in Parliament as men fence in the dark — “Speak what I think, and mean well, but very uncertain when I do good or hurt by it.”

Dec. 26, 1676.

For your other letter, your Excellency states all things very right: what a wise and honest man proposes to himself is what is his duty; some things better to suffer for, than gain by the contrary.

Letters to the Duke of Ormond.

Sept. 8, 1677.

Threats from the Spaniards of breaking with us, and seizing merchants' effects, on account of Salines and Fonseca. — Alarm on 'Change; “it gives occasion to a sad reflection, that he who is over all the world beaten, should threaten us.”

Sept. 18.

Ministers inform against Rutherford. — Correspondence of sectaries in Ireland with those of Scotland.

Newmarket, Oct. 12.

“The town is full of public ministers, to watch what the arrival of the Prince (of Orange) will produce. — I do not believe he and his uncle have one word beyond what Newmarket may justify; so that I believe the foreign ministers will be hard put to it, to give an account to their superiors of their journey hither.”

Nov. 6.

Answer to application for pay to general officers. — Lord Essex had made a saving.

Dec. 18.

No levies to be made for France.

Dec. 25.

Condoles with his gout; but expects some pity for himself, who is like to have gout and parliament together.

Jan. 1, 1678.

The King refuses a recommendation concerning the Provost of Dublin, “saying, that where there are many young men in a college that are not to be dispensed with, he knoweth no reason why those that are elder should; and to forbid the youth of the college any indulgence to that

appetite, and at the same time to bring women into the college to be always in sight, is like the Welsh hook, a puller-to, and a putter-from."

Jan. 15.

Several distastes of the Speaker, but the adjournments only held forth.

March 5.

Directions for holding the Parliament of Ireland.

"Upon many accounts, His Majesty finding it absolutely necessary to increase his army in that kingdom, and that when it is so, there will be less need, upon any sudden occasion, to arm either the Scots, the non-conformists, or the old militia, none of which can be done without some danger, he judgeth, ten thousand men, besides officers, is the number he would constantly maintain there."

April 13.

Upon the French King's declaration on what terms he would have peace, and that before the 10th of May, he says, "never was so great a part of Christendom, united, treated so *de haut en bas*, since it was Christendom."

June 18.

A long debate in the House, unsuccessful on the Court side.

Oct. 1.

“ We have been these four days, morning and night, busied in council about the information of this Oates. If he be a liar, he is the greatest and the adroitest I ever saw ; and yet it is a stupendous thing to think what vast concerns are like to depend upon the evidence of one young man, who hath twice changed his religion, if he be now a Protestant. There will many things, I believe, appear in the papers of some men taken, that will administer matter for noise ; and some think a matter of this great consequence should have been digested somewhere else, before it had been brought so openly upon the stage. It is now too late to be recalled ; and be the matter of the information true or false, it hath given occasion to so many enquiries, and awakened so many men and discourses upon a theme the people were but too eagerly concerned in before, that I cannot conceive it can pass over without drawing some great severity upon the Catholics, or giving so great a dissatisfaction to the kingdom as will be attended with great inconveniences.”

Oct. 8.

“ We have much noise, and we of the council much business about a plot. Would two witnesses swear but half that which one doth, there would be enough to hang a great many men. Several are imprisoned, and very pernicious papers found, which, whether published, or not published, will produce great consequences.”

Oct. 15.

“ Our new plot, or pretended plot, (for as yet we have but one witness, and none confessing,) hath produced so many collateral contrivances of disturbing the government, that I doubt it will not only busy the Council, but the Parliament a good while.

“ If you had Peter Talbot’s papers, doubtless many things would appear, though, perhaps, not in relation to this plot; yet men that look for the philosopher’s stone, though they miss that, yet find medicines to cure the itch, and sometimes bigger diseases.”

Nov. 26.

“ We must be preserved by a greater miracle than we were restored, or else perish.”

Dec. 10.

“ We are all, I think, in a mist as yet, and the most refining men do but grope in their politics. There are so many subdivisions in our divisions, both in Court and Parliament, that I think, ere long, we shall divide so nicely as to have no factions, which is the best I can hope of it.”

Dec. 14.

“ This is certain, that without any invasion from abroad, or insurrection at home, a greater confusion was never seen in any nation.”

Dec. 28.

“ We are here in so many disorders, that a volume cannot write it; and whilst His Majesty will use but one clue for the labyrinth, and that so stretched as it now is, I cannot but fear the event.”

Jan. 4, 1679.

Parliament prorogued. — Fleet and army unpaid. — In great alarm.

Jan. 11.

Very few doubt of the plot. — Only the King not afraid for his own person. — Great arming by sea in France.

Feb. 11.

Hints at a design on Ireland from France, confirmed by letters from Amsterdam. — Brisbane's letter only hearsay to the contrary.

Feb. 15.

Letter from Mr. Thynne. — Court has not the usual favour in elections; but majority well affected to monarchy and church.

April 1.

On the entrance of the new Commissioners, only 27s. and 3d. (besides appropriated money) in the Treasury.

April 22.

“ Though they (the new councillors) have yet done neither good nor evil, I find the bare being preferred, maketh some of them suspected, though not criminal.”

April 26.

Great debates. — House sits on Sunday.

May 5.

Four thousand arms freighted from Rotterdam for Ireland. — Enquiries if ordered by the Duke?

July 5.

“Suspension of all tables, pensions, and what not?”

July 22.

Acquitting Sir G. Wakeman, rather to be attributed to Judges and Jury, than temper of the people.

Nov. 29.

“The sudden and unexpected arrival of the Duke of Monmouth yesterday, about two o’clock in the morning, hath given a great alarm: the King hath refused to see him, and by four or five reiterated messages, commanded his return; but he hath refused: so it is said (and I believe it) all his charges will be given away. On the other side, all the acclamations of the rabble, as to bonfires, and the like, have been very great, and not a little disorderly. It is said, though he arrived at that dead hour at his lodgings, he had been three days in England; and an argument that his coming was known to some long before, (is that) copies of elaborate verses, by several authors, were published by eight of the clock in the morning, printed, and cried in the streets. Matters seem to grow very ripe, and the confusion great.”

Feb. 3, 1680.

“ You will by this time have received the news that four Privy Councillors, Lord Russell, Lord Cavendish, Sir H. Capell, and Mr. Powle, came in a body to the King, to desire to be dismissed from that employment. Their intrat and exit have been both very remarkable, and neither well comprehended by men of my small talent.”

Feb. 22.

Persons accused of assisting French invasion not to be bailed.

Letters to Sir T. Higgins, at Venice.

Windsor, August 9, 1675.

“ The death of Monsieur de Turenne; the retreat of that army; the ill success of the Swedes; and the defeat of the Marshal de Crequi, seemeth to put the Confederates in a much better posture than they were. Some think into too good a one to be fond of an equitable peace.”

To Mr. Soames, Envoy Extraordinary to Savoy.

Jan. $\frac{1}{2}$ $\frac{3}{4}$, 1679.

The Plot. — “ I hope we shall come at last to a perfect discovery, though it be somewhat dif-

ficult; yet I doubt not it will sufficiently appear, that there hath not only been a plot, but the most bloody, treacherous, and ungrateful one, that hath been any where practised by men of so considerable quality."

June 16, 1679.

Recalled. — Envoy Extraordinary reduced.

APPENDIX, No. IV.

Sir Patrick Hume to Lord Russell.

Noble Sir,

Edr. 21 Septr. 1675.

IN case my letter sent ten dayes agoe have miscarried, I forward it this way, which I hope will not faile. The honor I have of beeing both related to you and acquainted with you give mee great freedome to write and plead y^r friendship. I am a prisoner of state, but truly not in state, for the Counsell have confined mee in a common uglie tolbooth, which, whatever my restraint abstractly bee, I looke upon as malicious, & flowing from some enemies of that board; the reason whereof you will bee best informed in by perusing the sentense, bill, petition to the Counsell, and petition to his Majesty, already sent. My Lord Secretary has a signed copie of itt for the King, but I am not very hopefull of the good success of that; but I think one will bee with the Erle of Bedford, which may doe good, if hee and you think fitt. I have writt to my Lord and his Lady, and must intreat you to render

mee gracious with them ; and, according to your noble friendship, to doe mee what favor you think sutes y^r conveniencie and my circumstances. Mr. Eleis, a pretty gentleman and lawyer, I hope, has been with you : he is my friend, and I must recommend him to y^r favor. So now I shall trouble you no further ; but indeed it will bee ever a trouble to mee till I have some occasion to serve you, and give ane evidence that I am, with all my heart,

Noble Sir,

Your very affectionate & most humble servant,

P. HUME.

I have written to the Erle of Suffolke, my noble kinsman, whose mother was cussen germane to my grandfather.

APPENDIX, No. V.

REQUISITION.

*From the County of Bedford to Lord Russell,
inviting him to stand for the County.*

My Lord,

Wee have imparted your letter to all those your Lordshipp's servants whome wee could in soe short a time gett togeather, and wee humbly offer our opinions, (with submission to your better judgment,) that it is heigly conducing to the interest of our country to begg the honor to be represented by a person who bares soe great figure both in the publique affares, and in your present station here amungst us; and wee cannot but believe it must be some litle advantage to your future securing of the affections of this whole county, which you have soe well ingaged by your meritts. Wee neede not hint to your Lordshipp how ready some persons may be to make use of all ocasions to spread jealousys amongst the people to advance there owne intrest,

by your leaving of us, especially at a time when they have, under there owne hands, petitioned your Lordshipp for it, and have received the honor of your acceptance of it, which, by an assurance under your owne hand, was communicated to the whole body of the county, at their generall assizes.

Your Lordshipp's

Most humble servants,

Aug. 31, 1679.

H. MONOUX.

WILL. SPENCER.

WM. BOTELER.

W. BECHER. (?)

T. HILLERSDON.

APPENDIX No. VI.

CHARACTERS OF THE JUDGES.

(FROM NORTH'S LIVES.)

Sir William Scroggs.

THIS Sir William Scroggs was made Lord Chief Justice of the King's Bench while his lordship (Lord Keeper Guildford) sat in the Common Pleas. He was of a mean extract, having been a butcher's son, but wrought himself into business in the law, was made a serjeant, and practised under his Lordship. His person was large, visage comely, and speech witty and bold. He was a great voluptuary, and companion of the high court rakes, as Ken, Guy, &c. whose merits, for aught I know, might prefer him. His debaucheries were egregious, and his life loose; which made the Lord Chief Justice Hales detest him. He kept himself very poor; and, when he was arrested by King's Bench process, Hale would not allow him the privilege of a serjeant; as is touched elsewhere. He had a true libertine principle. He was preferred for professing loyalty: but Oates coming forward with

a swinging popularity, he (as Chief Justice) took in, and ranted on that side most impetuously. It fell out, that when the Earl of Shaftesbury had sat some short time in the Council, and seemed to rule the roast, yet Scroggs had some qualms in his politic conscience; and, coming from Windsor in the Lord Chief Justice North's coach, he took the opportunity, and desired his Lordship to tell him seriously, if my Lord Shaftesbury had really so great power with the King as he was thought to have. His Lordship answered quick, "No, my Lord, no more than your footman hath with you." Upon that, the other hung his head, and considering the matter, said nothing for a good while, and then passed to other discourse. After that time, he turned as fierce against Oates and his plot, as ever before he had ranted for it; and, thereby, gave so great offence to the evidenceships, the plot witnesses, that Oates and Bedloe accused him to the King, and preferred formal articles of divers extravagances and immoralities against him. The King appointed an hearing of the business in council, where Scroggs run down his accusers with much severity and wit; and the evidences fell short; so that, for want of proof, the petition and articles were dismissed. But for some jobs in the King's Bench, as discharging a jury, &c. he had the honour to be impeached in Parliament, of

which nothing advanced. At last he died in Essex-street, of a polypus in the heart. During his preferment, he lived well, and feathered his nest; for he purchased the manor of Burntwood, in Essex. It was observed of him, that every day, in his house, was holyday. His lady was a very matronly good woman; she died long before him. He had one son, who lived not many years after him; for he was a sufferer in the wars of amour. He had two daughters, one of whom was married to Sir Robert Wright, and lived to see his misfortunes; for at the Revolution he was clapt up in Newgate, and there died. The other daughter, some time the widow of Mr. Kilbie, a lawyer, married the truly noble Charles Hatton, and may be yet living.

Lord Chief Justice Pemberton.

The Lord Chief Justice Pemberton was a better practiser than a judge; for, being made Chief Justice of the King's Bench, he had a towering opinion of his own sense and wisdom, and rather made, than declared, law. I have heard his Lordship say that, "In making law, he had outdone King, Lords, and Commons." This may seem strange to such as see not the behaviour of judges, and do not consider the propensity of almost all to appear wiser than those that went before them. Therefore it is

the most impartial character of a judge to defer to eldership, or antiquity. But to proceed: this man's morals were very indifferent; for his beginnings were debauched, and his study and first practice in the gaol. For having been one of the fiercest town rakes, and spent more than he had of his own, his case forced him upon that expedient for a lodging, and there he made so good use of his leisure, and busied himself with the cases of his fellow collegiates, whom he informed and advised so skilfully, that he was reputed the most notable fellow within those walls; and, at length he came out a sharper at the law. After that, he proceeded to study and practise till he was eminent, and made a serjeant. After he was Chief Justice of the King's Bench, he proved, as I said, a great ruler, and nothing must stand in the way of his authority. I find a few things noted of him by his Lordship, (Lord Keeper Guildford.)

Mortified an attorney to death. Case of Lady Ivey, where advised that there was subornation, for which Johnson was ruined, and heart-broke. —

The lady prosecuted Johnson for this subornation, by information in the King's Bench, and the cause was tried before Pemberton. It appeared that Johnson had no concern, or words, but by way of advice to his client; but he was borne down and convict, at which the fellow

took despair and died. It was thought his measure was very hard and cruel; and that some mighty point of interest in her Ladyship's law-suits depended upon this man's suffering.

Doyly's settlement a cheat, for want of words usual. Q. By whose contrivance. But he advised.

— This fraudulent conveyance was managed between Sir Robert Baldock and Pemberton. It is certain it was passed by Pemberton, who was the counsel chiefly relied on; but not so certain it was his contrivance, for Baldock had wit and will enough to do it. The device was to make two jointures, as if the manors of A and B, complete, and without words of reference of the one to the other, as *in part, &c. or together with — in full*, whereby the one called upon the other. The use made of this trick was mortgaging both these estates as free, but, in truth, encumbered with the jointure and settlement. For, upon the proffer of A to be mortgaged, and the counsel demanding a sight of the marriage settlement, that of B was showed. Then upon the proffer of B, the settlement of A was showed, and so the cheat passed of both.

This Chief Justice sat in the King's Bench till near the time that the great cause of the *quo warranto* against the city of London was to be brought to judgment in that court; and then His Majesty thought fit to remove him. And

the truth is, it was not thought any way reasonable to trust that cause, on which the peace of the government so much depended, in a court where the chief never showed so much regard to the law, as to his will ; and notorious as he was for little honesty, boldness, cunning, and incontrollable opinion of himself. After this removal he returned to his practice, and by that (as it seems the rule is) he lost the style of Lordship, and became bare Mr. Serjeant again. His business lay chiefly in the Common Pleas, where his lordship (Lord Keeper Guilford) presided ; and however some of his brethren were apt to insult him, his Lordship was always careful to repress such indecencies ; and not only protected, but used him with humanity. For nothing is so sure a sign of a bad breed as insulting over the depressed.

Lord Chief Justice Saunders.

The Lord Chief Justice Saunders succeeded in the room of Pemberton. His character, and his beginning, were equally strange. He was at first no better than a poor beggar boy, if not a parish foundling, without known parents, or relations. He had found a way to live by obsequiousness, (in Clement's Inn, as I remember,) and courting the attornies' clerk for scraps. The extraordinary observance and diligence of the boy,

made the society willing to do him good. He appeared very ambitious to learn to write, and one of the attornies got a board knocked up at a window on the top of a staircase, and that was his desk, where he sat and wrote after-copies of court and other hands the clerks gave him. He made himself so expert a writer, that he took in business, and earned some pence by hackney-writing; and thus by degrees he pushed his faculties, and fell to forms, and, by books that were lent him, became an exquisite entering clerk; and by the same course of improvement of himself, an able counsel, first in special pleading, then at large; and, after he was called to the bar, had practice in the King's Bench Court, equal with any there. As to his person, he was very corpulent and beastly, a mere lump of morbid flesh. He used to say, "by his troggs," (such an humourous way of talking he affected,) "none could say he wanted issue of his body, for he had nine in his back." He was a fetid mass, that offended his neighbour at the bar in the sharpest degree. Those whose ill fortune it was to stand near him, were confessors, and, in summer-time, almost martyrs. This hateful decay of his carcase came upon him by continual sottishness; for, to say nothing of brandy, he was seldom without a pot of ale at his nose, or near him; that exercise was all he used; the

rest of his life was sitting at his desk, or piping at home : and that home was a taylor's house in Butcher-Row, called his lodging, and the man's wife was his nurse, or worse ; but, by virtue of his money, of which he made little account, though he got a great deal, he soon became master of the family ; and, being no changeling, he never removed, but was true to his friends, and they to him, to the last hour of his life.

So much for his person and education. As for his parts, none had them more lively than he : wit and repartee, in an affected rusticity, were natural to him. He was ever ready, and never at a loss ; and none came so near as he to be a match for Serjeant Mainard. His great dexterity was in the art of special pleading ; and he would lay snares that often caught his superiors, who were not aware of his traps. And he was so fond of success for his clients, that, rather than fail, he would set the Court hard with a trick, for which he met sometimes with a reprimand, which he would wittily ward off, so that no one was much offended with him. But Hales could not bear his irregularity of life ; and for that, and suspicion of his tricks, used to bear hard upon him in the Court. But no ill-usage from the bench was too hard, for his hold of business being such, as scarce any could do but himself. With all this he had a goodness of nature

and disposition in so great a degree, that he may be deservedly styled a philanthrope. He was a very Silenus to the boys, as, in this place, I may term the students of the law, to make them merry whenever they had a mind to it. He had nothing of rigid or austere in him. If any near him at the bar grumbled at his stench, he ever converted the complaint into content and laughing with the abundance of his wit. As to his ordinary dealing, he was as honest as the driven snow was white ; and why not, having no regard for money, or desire to be rich ? and, for good-nature and condescension, there was not his fellow. I have seen him, for hours and half-hours together, before the court sat, stand at the bar, with an audience of students over-against him, putting off cases, and debating so as suited their capacities, and encouraged their industry. And so in the Temple, he seldom moved without a parcel of youths hanging about him, and he merry and jesting with them.

It will be readily conceived, that this man was never cut out to be a Presbyter, or any thing that is severe and crabbed. In no time did he lean to faction, but did his business without offence to any. He put off officious talk of government or politics with jests, and so made his wit a catholicon, or shield, to cover all his weak places and infirmities. When the Court fell

into a steady course of using the law against all kinds of offenders, this man was taken into the King's business, and had the part of drawing, and perusal of almost all indictments and informations that were then to be prosecuted, with the pleadings thereon, if any were special; and he had the settling of the large pleadings in the *quo warranto* against London. His Lordship had no sort of conversation with him but in the way of business and at the bar; but once, after he was in the King's business, he dined with his Lordship, and no more. And there he showed another qualification he had acquired, and that was, to play jigs upon an harpsichord, having taught himself, with the opportunity of an old virginal of his landlady's, but in such a manner, (not for defect, but figure,) as to see him were a jest. The King, observing him to be of a free disposition, loyal, friendly, and without greediness or guile, thought of him to be the Chief Justice of the King's Bench at that nice time: and the ministry could not but approve of it. So great a weight was there at stake, as could not be trusted to men of doubtful principles, or such as any thing might tempt to desert them. While he sat in the Court of King's Bench, he gave the rule to the general satisfaction of the lawyers. But his course of life was so different from what it had been, his business incessant,

and, withal, crabbed, and his diet and exercise changed, that the constitution of his body, or head rather, could not sustain it, and he fell into an apoplexy and palsy, which numbed his parts, and he never recovered the strength of them. He outlived the judgment in the *quo warranto*, but was not present otherwise than by sending his opinion by one of the Judges to be for the King, who, at the pronouncing the judgment, declared it to the Court accordingly, which is frequently done in like cases.

Lord Chief Justice Jeffries.

The worst parts of the character of Jeffries are well known. The following character takes notice only of the most disgusting. It is remarkable, that in the same page we find him censured for taking part, on two occasions, in Court, with persons of the popular party, as a sort of ingratitude to the Duke of York: as if it was the first duty of a judge to show his gratitude to his patron, and as if Jeffries was not an instrument sufficiently servile!

“ This, to conclude, is the summary character of the Lord Chief Justice Jeffries, and needs no interpreter. And, since nothing historical is amiss in a design like this, I will subjoin what I have personally noted of that man, and some things of indubitable report concerning him.

His friendship and conversation lay much among the good-fellows and humorists, and his delights were, accordingly, drinking, laughing, singing, kissing, and all the extravagancies of the bottle. He had a set of banterers, for the most part, near him, as, in old time, great men kept fools, to make them merry. And these fellows, abusing one another and their betters, were a regale to him; and no friendship or dearness could be so great, in private, which he would not use ill, and to an extravagant degree, in public. No one that had any expectations from him was safe from his public contempt and derision, which some of his minions at the bar bitterly felt. Those above, or that could taunt, or benefit him, and none else, might depend on fair quarter at his hands. When he was in temper, and matters indifferent came before him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attornies, and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities, but little acquired, beyond what practice in affairs had supplied. He talked fluently, and with spirit; and his weakness was, that he could not reprehend without scolding, and in such Billingsgate language, as should not come out of the mouth of any man. He called it "giving a lick

with the rough side of his tongue." It was ordinary to hear him say, "Go, you are a filthy, lousy, knitty rascal;" with much more of like elegance. Scarce a day past that he did not chide some one or other of the bar, when he sat in the Chancery; and it was commonly a lecture of a quarter of an hour long. And they used to say, "This is yours; my turn will be to-morrow." He seemed to lay nothing of his business to heart, nor care what he did, or left undone; and spent, in the Chancery Court, what time he thought fit to spare. Many times, on days of causes at his house, the company have waited five hours in a morning; and, after eleven, he hath come out inflamed, and staring like one distracted. And that visage he put on, when he animadverted on such as he took offence at, which made him a terror to real offenders; whom also he terrified with his face and voice, as if the thunder of the day of judgment broke over their heads: and nothing ever made men tremble like his vocal inflictions. He loved to insult, and was bold without check; but that only when his place was uppermost. To give an instance:—A city attorney was petitioned against for some abuse, and affidavit was made that, when he was told of my Lord Chancellor, "My Lord Chancellor," said he, "I made him;" meaning his being a means to bring him early into city busi-

ness. When this affidavit was read, "Well," said the Lord Chancellor, "then I will lay my maker by the heels." And, with that conceit, one of his best old friends went to gaol. One of these intemperances was fatal to him. There was a scrivener of Wapping brought to hearing for relief against a bummery bond: the contingency of losing all being shewed, the bill was going to be dismissed. But one of the plaintiff's counsel said that he was a strange fellow, and sometimes went to church, sometimes to conventicles, and none could tell what to make of him, and "it was thought he was a Trimmer." At that the Chancellor fired, and "a Trimmer!" said he, "I have heard much of that monster, but never saw one. Come forth, Mr. Trimmer; turn you round, and let us see your shape." And at that rate talked so long, that the poor fellow was ready to drop under him; but, at last, the bill was dismissed, with costs, and he went his way. In the hall, one of his friends asked him how he came off? "Came off!" said he: "I am escaped from the terrors of that man's face, which I would scarce undergo again to save my life; and I shall certainly have the frightful impression of it as long as I live." Afterwards, when the Prince of Orange came, and all was in confusion, this Lord Chancellor, being very obnoxious, disguised himself, in order to go be-

yond sea. He was in a seaman's garb, and drinking a pot in a cellar. This scrivener came into the cellar after some of his clients, and his eye caught that face, which made him start; and the Chancellor, seeing himself eyed, feigned a cough, and turned to the wall with his pot in his hand. But "Mr. Trimmer" went out, and gave notice that he was there; whereupon the mob flowed in, and he was in extreme hazard of his life; but the Lord Mayor saved him, and lost himself; for the Chancellor, being hurried with such a crowd and noise before him, and appearing so dismally, not only disguised, but disordered, and there having been an amity betwixt them, as also a veneration on the Lord Mayor's part, he had not spirits to sustain the shock, but fell down in a swoon, and, in not many hours after, died. But this Lord Jeffries came to the seal without any concern at the weight of duty incumbent upon him; for, at the first, being merry over a bottle, with some of his old friends, one of them told him, that he would find the business heavy. "No," said he; "I'll make it light." But, to conclude with a strange inconsistency, he would drink and be merry, kiss and slaver, with those *bon* companions over night, as the way of such is, and, the next day, fall upon them ranting and scolding with a virulence unsufferable."

APPENDIX, No. VII.

JULIAN THE APOSTATE.

THIS work is undertaken with the view of answering Dr. Hickes, who, in his sermons, had asserted the dogma of non-resistance. It had been maintained, that the Gospel does not prescribe any remedy but flight against the persecutions of the lawful magistrate, allowing of no other means, when we cannot escape, but denying or dying for the faith; and that the professors of Christianity ought rather to die than resist by force, not only the King, but all that are put in authority under him. According to which doctrine, as Mr. Johnson observes, the lives of all subjects would lie at the mercy of every constable or tything-man who should have violence or baseness sufficient to destroy them. It is needless to dwell upon the arguments brought forward to overturn a theory which no longer imposes on the meanest understanding, and which the authority of two great national acts has set aside.

But it may be proper to insert the propositions which Mr. Johnson enforces as the result of his arguments, since it is probable that they were sanctioned by the approbation of Lord Russell. They are as follows:—

1. Christianity destroys no man's natural or civil rights, but confirms them.
2. All men have a natural and civil right and property in their lives, till they have forfeited them by the laws of their country.
3. When the laws of God and of our country interfere, and it is made death by the laws of the land to be a good Christian, then we are to lay down our lives for Christ's sake. This is the only case wherein the Gospel requires passive obedience; namely, when the laws are against a man. And this was the case of the first Christians.
4. That the killing of a man contrary to law is murder.
5. That every man is bound to prevent murder, as far as the law allows, and ought not to submit to be murdered, if he can help it.

It will be seen, that these propositions reserve resistance for an extreme case of tyranny and oppression, which makes it the more improbable that Lord Russell should have afterwards consented to an insurrection, but upon the prospect of immediate danger.

The pamphlet of Mr. Johnson is, as the title implies, in the form of a life of the Emperor Julian, whose persecutions, his adversaries said, had been resisted only by prayers and tears. The historical applications, though drawn into too great a length for the present taste, are not without sharpness, of which one passage may serve as a specimen. He had mentioned a passage of Gregory Nazianzen, where he relates that his father so far resented an attempt of Julian upon the Temple, that he was very near kicking him. "And now," says the author, "know I no more than the Pope of Rome what to make of all this, what they meant by it, or upon what principles these men proceeded. Whether the laws of their country allowed them (which I am sure the laws of our country do not allow a man to imagine) to offer violence to their lawful Emperor; or whether old Gregory distinguished, and did not resist Julian, but only the devil, which his son so often tells us was in him; or how it was, I will never stand guessing; only this we may be assured of, that none of these Bishops had ever been in Scotland, nor had learned to fawn upon an apostate, and a mortal enemy to their religion."

BIBLIOTHECA APPENDIX, No. VIII.
 REGIA
 MONACENSIS.

BURNET'S JOURNAL.

THE first time I came to my Lord Russell, which was on Monday at three o'clock, he received me with his ordinary civility and smiling countenance, in all respects as he used to do. He was then folding up his letter to the Duke, which he showed me, and said "This will be printed, and will be selling about the streets as my submission, when I am led out to be hanged." He said, there was nothing in the letter that went against him, but the whole of writing to one, whom he had so much opposed. As he was folding up the paper, he told me the story of Colonel Sydney's razor with as much cheerfulness as ever I saw in him. Then he fell a lamenting my Lord of Essex's misfortune, and said, a great part of it was on his account, which he gathered from a message he had sent to his father the night before, that he was more sorry for his son's condition than he was, and from the time in which he did it; and the reason of it he believed was, that the Earl of Essex had

almost forced him to admit my Lord Howard to a meeting at his house. For when he saw the Lord Howard, Colonel Sydney, and Mr. Hampden coming in, he said to the Earl of Essex, who was come before, "What have we to do with this R——?" and would have gone out, but the Earl of Essex made him stay. Yet he said, having that mistrust, he said very little. And (to put all that belongs to this matter together) the night before his death he said to me, in my lady's hearing, that my Lord Howard, in many particulars, had sworn falsely, and done him wrong. But I did not reckon them up. He added, concerning the Earl of Essex, that the day before he, seeing his window open, looked towards it through the glass in the head of his staff, and saw him leave the window as soon as he appeared, and go into the room. So that he believed his condition gave the fatal crisis to his melancholy. He spoke often of him to me, and very largely, the day before his death: he said, he was the worthiest, the justest, the sincerest, and most concerned for the public of any man he ever knew. And he also told me, that my Lord of Essex was afterwards much troubled for admitting the Lord Howard to their meetings, and thought he would betray them; upon which he answered, he had ventured upon the confidence the other had in him, for, added he, if

you should betray me, every body would blame you, and not me ; but if we should let such a man as my Lord Howard betray us, every body would blame us, as much as him. These discourses lasted about half an hour, till my lady was gone with the letter, and then he entered upon the most serious discourses I ever heard. He told me, for death, he thanked God as a man, he never was afraid of it, and did not consider it with so much apprehension as the drawing of a tooth. But he said he found the courage of a man, that could venture in the heat of blood, was very different from the courage of a dying Christian, and dying in cold blood. That must come from an inward peace of conscience and assurance of the mercy of God ; and that he had to such a degree, that though from the first day of his imprisonment he reckoned he was a dead man, it had never given him any sort of trouble. He added, that God knows the trouble I saw him in some weeks ago, when his son was ill, had gone nearer his heart, and taken more of his rest from him, than his present condition had done. And he remembered of a colic he had lately, which had filled him with so much pain, and so oppressed his spirits, that he saw how little a man could do, if he came to die in such a manner ; whereas he had now all his thoughts perfectly about him, and had no other apprehen-

sions of death, but being a little gazed at by his friends and enemies, and a moment's pain. He said that though he had been guilty of many defects and failings, (amongst which he reckoned his seldom receiving the sacrament,) yet he thanked God, he had a clear conscience, not only in relation to the public, (in which he had gone so sincerely, that he was sure he had nothing to answer for, but the sense of ignorance, and some indecent discourses, in which he had been generally more guilty by hearing them, and being pleased with them, than by much speaking,) but in relation to all his other concerns, he had spent much, but it was in no ill way. He could never limit his bounty to his condition; and all the thoughts he had of the great estate that was to descend upon him, was to do more good with it; for he had resolved not to live much above the pitch he was then at. He thanked God, that now for these many years he had made great conscience of all he did; so that the sins of omission were the chief things he had to answer for. God knew the sincerity of his heart, that he could not go into a thing he thought ill, nor could he tell a lie. After an hour's discourse, we prayed together. Then he came to talk of his condition; he then thought the sentence would perhaps be executed by hanging; but he said if his friends could bear that as well as he

could, it was no matter. He next fell to speak of a paper to be left behind him ; he was resolved to say very little on the scaffold, but to leave a larger paper. So he went over the heads he thought fit to speak to, which I perceived he had considered much. He said he had much leisure in the Tower, and had always looked for this ; for that he did not doubt but the sheriff would take care to return such a jury as was resolved to condemn him, if the King's council should bid them ; so he had been forming in his mind what was fit for him to do in this matter ; for in most of the particulars, he expressed himself very near in the same words that are in his paper. So I left him for that night. He desired me to come again the next day at noon ; and, in his modest way, desired as much of my time as I could conveniently spare.

Next day I came to him, and found him in the same temper I had left him, so sedate, and, upon occasion, so cheerful, that I never saw the like before. He then went again over the heads of his paper, and a minute was made of the points he was to write off, according to their order. I shall not mix in this relation any thing of what I said to him upon any 'of them ; but this in general, that I discharged my conscience in all respects, both as a faithful subject to the King, and as a sincere minister of the gospel ought to

have done. The thing is as it is, and I will neither say what I approved or disapproved ; but this I will add, that all the critical and nicer parts were very well weighed, to an exactness in the choice of every word. He thought it was incumbent upon him to write all he had written ; but he promised me to consider every thing that I had offered to him. When this was done, he ran out into a long discourse of the providence of God in this matter. Rumsey and Lord Howard were two men he had always a secret horror at. Shepherd he thought better of, till he was told he had betrayed Walcotte. Then he said he wondered not he had sworn falsely of him ; but till then he thought he had forgot himself. His coming up to town occasionally ; his being called by the Duke of Monmouth with so good an intention ; his not going to a formal meeting where Rumsey was not, but to that where he was present ; and the fatal melancholy of the Earl of Essex that morning ; all had such marks of a providence of God, that he was fully satisfied it was well ordered by God for some good ends, that it should be as it was. After two hours' discourse my Lady came. He dined, ate, and drank as heartily, and did every thing in as cheerful a manner as he used to do. Then he heard (though but doubtfully), that Saturday was the day : so he wished to have two days

more, that he might finish his paper. After dinner he called for tea, and talked of the state of Hungary, and the affairs of Europe, just as he used to do. When my Lady was gone, he expressed great joy in the magnanimity of spirit he saw in her; and said the parting with her was the greatest thing he had to do, for he was afraid she would be hardly able to bear it. The concern about preserving him, filled her mind so now, that it in some measure supported her; but when that would be over, he feared the quickness of her spirits would work all within her. From this he turned to speak of his condition, which he did in the same strain he had done the day before. He said he was still very glad he had not fled, for he could not have lived from his children, and wife, and friends: that was all the happiness he saw in life. He was glad, that some who had not lived so as to be fit to die, had escaped. And a proposition being sent him by one of the most generous and gallant friends in the world, of a design for making his escape, he, in his smiling way, sent his thanks very kindly to him, but said, he would make no escape. But, (now I remember better, this was on Wednesday,) after this we prayed, and I left him.

On Wednesday I came to him at noon (the hour he had appointed,) and found he had written:

three pages of the eight, of which his paper consisted, but had left some spaces void for some more things; and he drew in other pieces of paper what he had intended to fill them up with; and after dinner, (during which, as in all his meals, he behaved himself in his ordinary manner,) he showed it to my Lady, and after a little discourse, he filled up the void spaces, which he did with that severe strictness, that it was visible he would not say a word but what was exactly according to his conscience. Then upon some discourse upon his writing to the King, he cheerfully resolved on it. For though he always said he never did any thing that he thought contrary to his interest, yet many raileries, and other indecent things had passed, for which he prayed God to forgive him, and resolved to ask the King's pardon. And he said he thought he must likewise let the King know, that he also forgave him; and he himself hit on that expression (of all concerned in his death from the highest to the lowest). After some more discourse, his father and uncle came to see him; and we all prayed again, and I left him for that night.

On Thursday I came at noon, and found he had got very near the end of his paper, so that he concluded it before dinner. Only again I saw new void spaces, and saw, on other

papers, blotted draughts of what he designed to put in them. And he likewise filled them up before he dined; so that he was at great ease. Upon this my Lady came in, and told him the respite till Monday was denied. This touched him a little; but I perceived it only in his looks: but he said nothing, but that he thought such a thing was never denied to common felons. Yet, when he considered that he had done with his papers, he was presently very well satisfied; and said afterwards, he was glad it was not granted, for all that he desired it for was, that he might have one whole day for the concerns of his soul, and have nothing to mix with them. So he dined, and, after dinner, he wrote his letter to the King. Then he wrote his speech he intended to make to the sheriffs; only, upon report of what Captain Walcott had said of him, he added those words relating to that on Friday. Then he was more composed than ever, for all was done that could have given him any uneasy work to his thoughts. He spake of all people that had appeared against him, particularly of the Lord Howard, with great pity, but with no resentment. He said, he had been well enough known before, but now it was so much better, that he could betray nobody any more. When my Lady went, he said, he wished she would give over beating

every bush, and running so about for his preservation. But, when he considered that it would be some mitigation of her sorrow afterwards, that she left nothing undone that could have given any probable hopes, he acquiesced: and, indeed I never saw his heart so near failing him, as when he spake of her. Sometimes I saw a tear in his eye, and he would turn about, and presently change the discourse. He resolved to receive the Sacrament on Friday, and so resolved to spend that day as he intended to have done the Lord's day, had he lived so long. The sacrament was to be given him early in the morning, because of Captain Richardson's attendance on the other executions that day. So the Dean of Canterbury, who was with him every day, except Thursday (in which he was engaged), came in the morning, and gave it him according to the common prayer; which he received with that grave and sedate devotion, that still appeared in him. His man desired to receive with him; so the Captain took our promise that there should be nothing done, while his man was in the room, but the giving of the sacrament; and therefore, till it was over, the Dean spake nothing to him: but, after that, the Dean asked him of his believing all the Articles of Christian Religion, which were, indeed, the doctrine of this Church. He said he did believe them truly. Then he asked

him of his forgiving all persons. That, he said, he did from his heart. And, in the last place, he told him, he hoped he would discharge his conscience in full and free confession. He assured him he had done it; so the Dean left him. None but my Lady and I staid; and that morning I preached two sermons to him: the first was on Rev. xiv. 13, the second on Psalm xxiii. 4. They were about half an hour in length; and there was an interval of about two hours between. He was pleased to tell me, at night, that what I spake came into his heart; and he believed it was sent to him from God. In the interval, he told me he could not pretend to such high joys and longings, but on entire resignation of himself to the will of God, and a perfect serenity of his mind. He said he once had some trouble, because he found not those longings Mr. Hampden the younger had, of whom he spake often with great kindness and esteem. He had, a few days before his commitment, given him, from Mr. Baxter, his late book of "Dying Thoughts;" and he found many things in that so pat to his own condition, that he blessed God for the comforts of that book. He dined as he used to do. After dinner, he signed the copies of his papers, and wished it might be that night sent to the press, which my Lady ordered by his directions. After dinner, his children were

brought to him. I saw him receive them with his ordinary serenity ; but I staid not till he dismissed them. I left him for about three hours, and came to him at eight o'clock. He supped very cheerfully, and, after supper, fell into a long and pleasant discourse of his two daughters, and of several other things. He desired me to pray, both before supper and at his parting with my Lady. He talked of several passages concerning dying men with that freedom in his spirit, that made us all stare one upon another. And when a note was sent to my Lady of a new project for his preservation, he did so treat it in ridicule, that I was amazed ; and I wondered much that, when he saw us that were about him not able to contain our griefs, he, who was so tender himself, was not by that more softened.

At ten o'clock my Lady left him. He kissed her four or five times ; and she kept her sorrow so within herself, that she gave him no disturbance by their parting. After she was gone, he said, " Now the bitterness of death is past," and ran out into a long discourse concerning her — how great a blessing she had been to him ; and said, what a misery it would have been to him, if she had not had that magnanimity of spirit, joined to her tenderness, as never to have desired him to do a base thing for the saving of his life :

whereas, otherwise, what a week should I have passed, if she had been crying on me to turn informer, and be a Lord Howard ! Though he then repeated, what he had often before said, that he knew of nothing whereby the peace of the nation was in danger ; and that all that ever was, was either loose discourse, or at most embryos, that never came to any thing ; so that there was nothing on foot, to his knowledge. But he left that discourse, and returned to speak of my Lady. He said there was a signal providence of God in giving him such a wife, where there was birth, fortune, great understanding, great religion, and great kindness to him ; but her carriage in his extremity was beyond all. He said, he was glad that she and his children were to lose nothing by his death ; and it was great comfort to him, that he left his children in such a mother's hands ; and that she had promised to him to take care of herself for their sakes : which I heard her do. Then he left this discourse, and talked of his change ; how great a change death made, and how wonderful those new scenes would strike on a soul. He had heard how some that had been born blind were struck, when, by the couching of their cataracts, they saw ; but what, said he, if the first thing one saw were the sun rising ?

About twelve he undressed himself, and was locked in, having given order to call him at four ;

so at four we called him, and he was fast asleep. He dressed himself as he used to do; neither with more nor less care; only he would not lose time to be shaved. He was in the same temper he had always been in, and thanked God he felt no sort of fear nor hurry in his thoughts. We prayed together, with some intervals, five or six times; and, between hands, he often went into his chamber, and prayed by himself. Once he came out with more than ordinary joy, and said he had been much inspired in his last prayer, and wished he could have writ it down, and sent it to his wife. The Dean came, and prayed, and spake also with him. We both looked at one another, amazed at the temper he was in. He gave me several commissions to his relations; but none more earnest than to one of them, against all revenges for what had been done to him. He told me he was to give me his watch, and wound it up and said, "I have done with time; now eternity comes." The ring, in which the ribband goes, broke in his hand, which he thought a little strange. He once was giving me his watch in the prison, but he thought it would be more decent to do it on the scaffold. He also called a story to mind, which might perhaps come to be talked of, in which another was concerned, and though his part was worthy

and truly religious, there is a very good reason why it should not be spoken of; so he charged me never to speak of it, unless I heard it talked of, and then he left me to my discretion. I confess, when he began with a charge of secrecy, I thought it was something relating to the public; and I told him, I could not promise it. But it was wholly of another nature.

He continued in this temper till the last: he called for tea, and drank two dishes; and about half an hour before he expected to be called on, he drank a glass of sherry, and ate a mouthful of bread. He asked the Dean how Sir Richard Corbet (who he heard was sick) did, and when he saw Colonel Titus, and desired to be remembered to him; and was asking if they were taking up any more, just as Captain Richardson told him the Sheriffs were come. So he withdrew for half a quarter of an hour, and then came out, with no alteration in his looks.

As he came down, my Lord Cavendish was below, and he took leave of him; but when he left him, he remembered of somewhat of great importance, and went back to him, and spake to him with great earnestness. He told me what it was in general, and wished me to second it. He went out to his coach with his ordinary cheerfulness, and wondered to see so great a crowd.

As we were going, he looked about him still, and knew several persons. Some he saw staring on him who knew him, and did not put off their hats. He said there was great joy in some ; but that did not touch him so much as the tears he observed in other people's eyes ; for that, he said, made him tender. I observed he was singing often within himself, but could not hear the words. I asked him what he sang. He said it was the beginning of the 119th psalm ; but he should sing better very soon. And observing the crowd, he said, he should soon see a greater and better company. As we came by Warwick-House, observing all shut up there, he asked if my Lord Clare was out of town. I told him he could not think any windows would be open there upon this occasion.

As we came to turn into Little Queen-Street, he said, I have often turned to the other hand with great comfort, but now I turn to this with greater, and looked towards his own house ; and then, as the Dean of Canterbury, who sat over against him, told me, he saw a tear or two fall from him.

When he came into the field, he wondered to see such a crowd. I remember it rained as we were on the way ; and he said to us, this rain may do you hurt that are bare-headed. And the night before, at supper, when he heard it rain heavily,

he said it would spoil the show to-morrow, if the rain should continue; for a show in a rainy day was a very dull thing. After all was quiet, he spake to the sheriffs what he intended, of which he read the greater part. Then he desired the Dean to pray. After that he spake a word to the Dean, and gave him his ring, and gave me his watch, and bid me go to Southampton-House and Bedford-House, and deliver the commissions that he had given me in charge. Then he kneeled down, and prayed about three or four minutes by himself; afterwards he undressed himself. He had brought a night-cap in his own pocket, fearing lest his man might not get up to him. But on the way he observed him walking very sad by the coach, and said, "Taunton has been a faithful servant to me; and I hope, if my son lives, he shall serve him as long as he has done me."

He threw off his periwig, and put on his *night-cap*, and then unbuttoned his coat, and let it be drawn off. After that, he took off his cravat; and all this without the least change of countenance. And with the same courage, after he had given the executioner what he had intended him, (which he had forgot to do at first,) he laid himself along, and said he would give no sign. But when he had lain down, I looked once at him and saw no change in his looks; and though he was still lifting up his hands, there was no trem-

bling; though, in the moment in which I looked the executioner happened to be laying his axe to his neck, to direct him to take aim. I thought it touched him; but I am sure he seemed not to mind it. — This is a punctual and true relation of all that I can remember between him and me.

G. B.

REMARKS ON A PASSAGE IN RICHARD'S HISTORY.

We are told in Richard's Appendix to his History, that the Duke of Gloucester, the King's uncle, Lord Russell had declared to him, that he was satisfied the King had never done any thing to justify any one in rebelling against him. That he had never any such thought himself, and only kept company with those unhappy men to prevent the Duke of Monmouth from being led into any rash undertaking by them, and more particularly the Earl of Shaftesbury. Being then asked, why Lord Russell did not discover their design to the King, he answered, that Lord Russell had said he could not betray his friends, nor turn informer against them, while he saw there was no danger; but if things had come to a crisis, he would have contrived that some notice should have been given to the King; and in case of violence, would himself have been ready to oppose them sword in hand.

APPENDIX, No. IX.

REMARKS ON A PASSAGE IN ECHARD'S HISTORY.

WE are told in Echard's Appendix to his History, that Dr. Tillotson informed the King that Lord Russell had declared to him, that he was satisfied the King had never done any thing to justify any one in rebelling against him. That he had never any such thought himself, and only kept company with those unhappy men to prevent the Duke of Monmouth from being led into any rash undertaking by them, and more particularly the Earl of Shaftesbury. Being then asked, why Lord Russell did not discover their design to the King? he answered, that Lord Russell had said he could not betray his friends, nor turn informer against them, while he saw there was no danger: but if things had come to a crisis, he would have contrived that some notice should have been given to the King; and in case of violence, would himself have been ready to oppose them sword in hand.

The King himself, says Echard, confirmed the truth of the greatest part of this account; and, in conclusion, said, “James (meaning the Duke of Monmouth) has often told me the same thing.”

Upon first reading this account, I was convinced some error had crept into it. For, in a manner totally opposite to the character of a man of honour, and much more to the plain and upright conduct of Lord Russell, he is here represented as engaging in consultations for rebellion, with the design of frustrating and betraying them. A perusal of Dr. Tillotson’s examination before the House of Lords, after the Revolution, has persuaded me that Echard has fallen into many mistakes, which make the credit of this story doubtful. For, by his account, Dr. Tillotson’s letter to Lord Russell fell into the hands of Sir Thomas Clarges, who came in when Dr. Tillotson was reading it to Lord Halifax, and found means not only to read it, but to take a copy of it, from which copy, he supposes it was printed. But it appears, by the examination, that it was a servant who came in to announce the Spanish Ambassador, when Dr. Tillotson was reading the letter to Lord Halifax. And Lord Halifax told him, that he had shown the letter to the king upon the occasion of Lord Russell’s paper being cried about the

streets, and that the King, as he supposed, had given copies of it.

2d. According to Echard, the examination of Dr. Tillotson before the Cabinet Council took place on the day of the execution. But in fact he was not examined till the day after.

Echard's account professes to be taken from a great man, (Dr. Tennison, I believe,) who heard it from Tillotson's own mouth. But if in this double narration mistakes have crept with regard to the time of the examination, and the manner of the letter's coming into the King's hands, how much more likely is it that the discourse of Lord Russell to Dr. Tillotson, the whole force of which depends on the expression, has been incorrectly stated?

Burnet says, that Tillotson had little to say before the Council, but only that Lord Russell had showed him the speech the day before he suffered.

THE END.

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Echard's account professes to be taken from a great man, (Dr. Tennison, I believe,) who heard it from Tillotson's own mouth. But if in this double narration mistakes have crept with regard to the time of the examination, and the manner of the letter's coming into the King's hands, how much more likely is it that the discourse of Lord Russell to Dr. Tillotson, the whole force of which depends on the expression, has been incorrectly stated?

Burnet says, that Tillotson had little to say before the Council, but only that Lord Russell had showed him the speech the day before he suffered.

THE END.

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